



CONTRA COSTA COUNTY
Office of the District Attorney

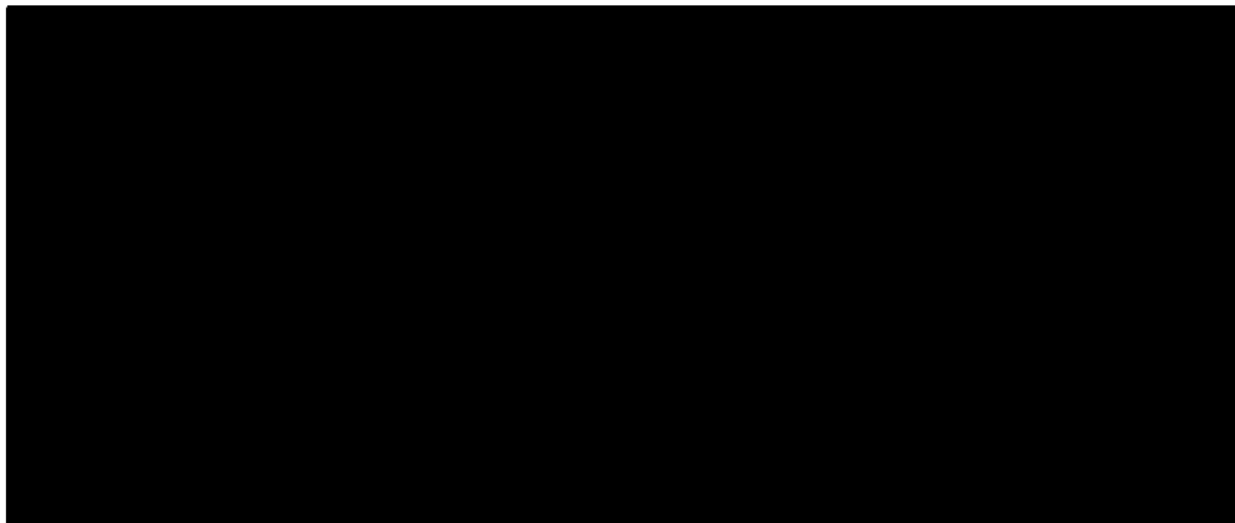
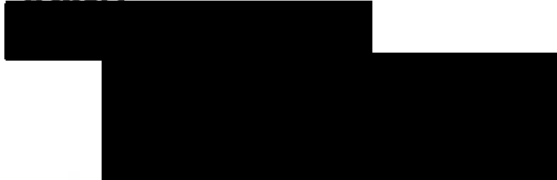
INVESTIGATIVE REPORT

Type of Investigation: LEIFI Investigation Decarlo Family Interviews	Docket / File / Police Report No. CCFDA LEIFI CCCSO 17-7047
Subject / Defendant: Kevin DECARLO	
Inspector Assigned: Inspector D. Mathers	Date Assigned: 05/31/2017

Investigative Team:

Name	Agency	Telephone
Sr. Insp. D. Mathers	CCC Dist. Atty Ofc.	925-957-2207
Det. C. Frazier	CCC Sheriff	925-313-2634

Other:



Evidence (Created):

Item #	Description	Disposition
DGM001	CD, audio, interviews	Original to Sr. Insp. Wedemeyer

Written By:
Inspector D. Mathers

Date: 6/12/2017

Contra Costa County District Attorney's Office
Continuation/Supplemental Report

Supplemental	
Continuation	√

Subject / Defendant: LEIFI (Vallejo Police Dept.) KEVIN DECARLO	Docket / Report No. CCFDA LEIFI CCCSO 17-7047
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INVESTIGATIVE REPORT

For clarity, I will refer to the various family members of KEVIN DECARLO by first name.

I was notified by Chief of Inspectors P. Mulligan of a LEIFI investigation in unincorporated Martinez involving the Vallejo Police Department and KEVIN DECARLO. I responded to the scene and met with SDDA B. Grove and the other DA Inspectors.

We returned to Sheriff's Field Operations Bureau, received an incident briefing and team assignments; I was tasked with conducting interviews of DECARLO's family. I was partnered with CCCSO Detective C. Fraizer.

We learned family members of DECARLO were congregating at the John Muir Hospital in Walnut Creek, where DECARLO was being treated. Det. Frazier and I responded to the hospital. I digitally recorded my interviews, later burning them to CD (labelled Evid. "DGM001").

INTERVIEWS

On 06/01/2017, around 0200 hours, we located [REDACTED] at the John Muir Hospital, Emergency Room waiting area. [REDACTED] agreed to speak with us and we went to a semi-private conference room. [REDACTED] is KEVIN DECARLO's [REDACTED]. [REDACTED] provided the following information (organized for clarity):

[REDACTED] left work on 05/31/2017 around 1400 hours and went to her home in Vallejo. Shortly thereafter, KEVIN was at her door and he entered; [REDACTED] did not see how he arrived at her home. KEVIN was bringing over diapers, anticipating that his children would be staying

Written By:
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Contra Costa County District Attorney's Office
Continuation/Supplemental Report

Supplemental	
Continuation	√

Subject / Defendant: LEIFI (Vallejo Police Dept.) KEVIN DECARLO	Docket / Report No. CCFDA LEIFI CCCSO 17-7047
--	--

over at [REDACTED] house. KEVIN was alone during this visit. KEVIN and his children's mother ([REDACTED] [sp?]) are not living together.

[REDACTED] is aware that KEVIN has a "drug problem," but she does not know what specific drug(s). She did not think he was under the influence at the time of their visit.

Around 1700 hours, [REDACTED] picked up her youngest daughter from school and took her to softball practice, which ended after 1930 hours.

[REDACTED] had returned home when she received a telephone call from her sister ([REDACTED]) and nearly simultaneously a call from [REDACTED]. [REDACTED] told [REDACTED] he was "at a house, right over where KEVIN was pulled over at." According to [REDACTED], "[REDACTED] was pulled over, handing a phone charger over to his friend, a white pickup truck full force rammed him, next thing a bunch of undercover cops pulled up and opened fire on that car." When [REDACTED] asked [REDACTED], "where's my son?" all [REDACTED] said was, "I don't know, he's on the ground and they won't let me through."

[REDACTED] then drove with her neighbor to the location of the shooting. She saw [REDACTED] at the scene but he did not discuss what he witnessed. [REDACTED] was under the impression KEVIN had driven to the location in Martinez to meet or see [REDACTED]. [REDACTED] was also under the impression that several videos were taken of the incident, by other people.

[REDACTED] claimed, "several times this week, the police had threatened to kill my son... when they see him, they are going to kill him." These statements were made to other people, who, in turn, called [REDACTED]. She

Written By:
Inspector D. Mathers

Date: 6/12/2017

Contra Costa County District Attorney's Office
Continuation/Supplemental Report

Supplemental	
Continuation	√

Subject / Defendant: LEIFI (Vallejo Police Dept.) KEVIN DECARLO	Docket / Report No. CCCD A LEIFI CCCSO 17-7047
--	---

refused to provide us the names of these people but would ask them if she could provide us their names and contact information.

██████████ then described a past encounter she had with the Vallejo Police Department and Officer Tonn. It had occurred a few months ago but she did not remember the specific month. She observed Ofc. Tonn searching inside her vehicle and she confronted him. ██████████ reported this to Contra Costa D.D.A. S. Jallepalli, he had subpoena-ed her on an unrelated case. (I later confirmed that D.D.A. S. Jallepalli had spoken with ██████████ but he did not recall the specific details other than ██████████ complaining about Vallejo P.D.)

The interview ended after approximately 30 minutes; we returned to the ER lobby. We provided ██████████ with our business cards and requested she call with any leads or other information.

While we were leaving, after completing family interviews, ██████████ informed us that she had contacted ██████████ on our behalf but he declined to speak with us, absent his attorney.

(Recording DM620054.wav)

██████████ directed us to her daughter, ██████████. ██████████ agreed to speak with us and we went to a semi-private conference room. ██████████ is KEVIN DECARLO's ██████████. ██████████ provided the following information (organized for clarity):

KEVIN doesn't tell ██████████ much about what KEVIN's activities. The last time ██████████ saw KEVIN was on 05/31/2017 around 1400 hours, when he was at her home; KEVIN had stopped in, took a shower and left shortly after. At that time, KEVIN, "seemed fine." KEVIN's visit

Written By: Inspector D. Mathers	Date: 6/12/2017
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**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	✓

Subject / Defendant: LEIFI (Vallejo Police Dept.) KEVIN DECARLO	Docket / Report No. CCCDA LEIFI CCCSO 17-7047
--	--

lasted "10 to 15 minutes, and he was out." KEVIN was alone, however, [REDACTED] didn't know if he had someone waiting for him outside. [REDACTED] didn't think KEVIN was driving, and, "he didn't have a vehicle."

Later that night, [REDACTED] was driving when she received a call from [REDACTED] about the shooting. [REDACTED] also received a call from her [REDACTED] (sp?) DECARLO, who lives near the scene (off Morello Ave.) of the shooting. [REDACTED] drove to the scene. [REDACTED] did not see [REDACTED] ([REDACTED]) at the scene, however, her uncle [REDACTED] [REDACTED] [REDACTED], and [REDACTED] were still at the scene. [REDACTED] learned KEVIN had been transported to the hospital, and she left to go to the hospital.

[REDACTED] recalled an incident over a year ago, when she arrived at home and was stopped from going inside, by the police. Officers from the Vallejo Police Department were talking with each other about hurting [REDACTED] [REDACTED] did not remember the exact words.

[REDACTED] had not heard from any other people, regarding them overhearing any threats toward KEVIN.

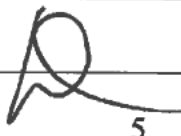
The interview ended after approximately 20 minutes; we returned to the ER lobby.

(Continuation of recording DM620054.wav)

OTHER RELATIVES

We attempted to speak with the other relatives at the hospital (including [REDACTED] but they all declined to speak with us.

Written By:
Inspector D. Mathers



Date: 6/12/2017

**Contra Costa County District Attorney's Office
Continuation/Supplemental Report**

Supplemental	
Continuation	√

Subject / Defendant: LEIFI (Vallejo Police Dept.) KEVIN DECARLO	Docket / Report No. CCCD A LEIFI CCCSO 17-7047
--	---

We later returned to the hospital and interviewed [REDACTED], refer to Det. Fraizer's report for details of that interview.

Follow up activities

As of 06/02/2017 at 1230 hours, I had not received any call back from [REDACTED]. I called her and she was still unwilling to provide the identity of these other potential witnesses, however, she was going to reach out to them and ask. [REDACTED] confirmed that she still had my contact information. (*Recording DM100010.wav*)

As of 06/12/2017, I have not received any return calls from [REDACTED] or any other DECARLO family members.

Conclusion

Refer to Det. Frazier's report for details on the interview of DECARLO's [REDACTED]

This report and CD of the interviews was forwarded to DA Sr. Inspector D. Wedemeyer.

/NFI

Written By: Inspector D. Mathers		Date: 6/12/2017
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OFFICE OF THE DISTRICT ATTORNEY
CONTRA COSTA COUNTY

Mark A. Peterson
DISTRICT ATTORNEY

INVESTIGATIVE REPORT

<u>Type of Investigation:</u> PC 245	<u>Docket / File / Police Report No.</u> CCCSO Report# 17-7047
<u>Inspector Assigned:</u> Sr. Insp. D. Wedemeyer	

Suspect(s):

Kevin J. Decarlo (9/22/1986)

Victim(s):

Corporal Jared Jaksch
Detective (Corporal) Sean Kenney
Detective Kevin Baretto
Detective Jarrett Tonn

Investigative Team:

Sr. Insp. D. Wedemeyer
VPD Officer Kevin Rose
CCCSO Dep. Corrine Busch

Witness(s):

[REDACTED] [REDACTED]

Narrative:

On Wednesday, May 31st, at approximately 2241 hours, I received a phone call from CCC DA Chief of Inspectors, P. Mulligan, advising me of a protocol call-out at [REDACTED] in the City of Martinez. Chief Mulligan advised me that 4 Officer's from the City of Vallejo were in the area of [REDACTED] and were involved in an on-duty shooting and the Contra Costa County LEIFI (Law Enforcement Involved Fatal Incident) protocol was invoked. I was directed to respond.

I arrived on scene at 2340 hours and met with the protocol supervisor, DDA Barry Grove. Upon arrival of the protocol team, a walk-through of the scene was completed.

Written By:
Inspector D. Wedemeyer

Date:
6-5-2017

Contra Costa County District Attorney's Office
Continuation/Supplemental Report

Supplemental	
Continuation	XX

Subject / Defendant: Kevin J. Decarlo	Docket / Report No. CCCSO Report# 17-7047
---	---

At the completion of the scene walk-through, all members were directed to the Contra Costa County Sheriff's Office Field Operations Bureau, located at 1980 Muir Road in Martinez for a briefing of the incident by members of the Vallejo Police Department

The Vallejo Police briefing was conducted by VPD Sgt. B. Knight. Sgt. Knight advised the following in summary:

S- Decarlo was wanted by the Vallejo Police Department for 2 recent crimes committed in their city: A vehicle pursuit that was filed from an incident on 5/25/2017 (\$100,00 active arrest warrant) and another incident that occurred on 5/27/2017 where it was alleged Decarlo committed an Assault with a Deadly Weapon against an officer by ramming the officer's marked patrol car while attempting to avoid apprehension for the warrant.

On 5/31/2017, Vallejo officers received information as to Decarlo's whereabouts. With the assistance of the US Marshals, Vallejo Police attempted to implement a vehicle containment technique on Decarlo's vehicle. During that attempt, Decarlo rammed VPD Detective Sean Kenney's vehicle in an attempt to avoid apprehension and officer's fired their weapons at Decarlo.

At the conclusion of the briefing, DDA Grove assigned investigative tasks. I was partnered with CCCSO Detective C. Busch and Vallejo Police Detective Kevin Rose. Our assignment was to interview 2 Officers involved in discharging their weapons at Decarlo (Det. Kenney and VPD Det. Jarrett Tonn) and W- [REDACTED] – the passenger in Decarlo's vehicle at the time of the incident.

I conducted the interview of Detective Kenney. This interview was conducted in an office at the Field Operations Bureau. Present during the interview were myself, Detective Busch, Detective Rose, Det. Kenny and his legal counsel, [REDACTED] from the Law Offices of Rains, Lucia, Stern, St. Phalle and Silver, PC. The interview was audio recorded.

The following is the summary of Detective Sean Kenney's interview:

Det. Kenny was [REDACTED]. Det. Kenney [REDACTED]

Det. Kenney enrolled in the [REDACTED] Det. Kenney worked for the [REDACTED] and for the [REDACTED]

Written By:
Inspector D. Wedemeyer

Date:
6-5-2017

Contra Costa County District Attorney's Office**Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Subject / Defendant: Kevin J. Decarlo	Docket / Report No. CCCSO Report# 17-7047
---	---

[REDACTED] joining the Vallejo Police Department approximately 10 years ago.

Det. Kenney is a member of the Vallejo Police Honor Guard, Recruiting team and an Operator on the Vallejo Police SWAT team. Det. Kenney is also an Emergency Vehicle Operations instructor for Vallejo Police Department.

Det. Kenney's current assignment is as a member [REDACTED]. His work week is from Tuesday – Friday from 0700 – 1700.

Det. Kenney began his shift on 5/31/2017 at 0700. Prior to his arrival at work, Det. Kenney estimated he had approximately 7 hours of sleep. He did not consume any alcohol or anything that would alter his mental state.

There were no unusual occurrences during his shift as he completed some follow-up work on cases unrelated to this incident. At approximately 1645 hours, Det. Kenney ended his normal course of business and left for home. At approximately 1845 hours, Det. Kenney received a call from VPD Det. Tonn. Det. Kenney was asked to assist with the investigation of locating Decarlo.

I asked Det. Kenney if he was familiar with Decarlo and he told me he was familiar with the basics of the case for which Decarlo was wanted. Det. Kenney was informed of a possible location of Decarlo and a description of a vehicle Decarlo may be associated with.

Det. Kenney said the initial plan was to attempt to locate Decarlo and conduct surveillance. If Decarlo was located, a plan would be implemented to safely take Decarlo into custody.

Det. Kenney was operating an undercover White Ford F-150 pick-up truck. Det. Kenney's pick-up was equipped with emergency lights that could be affixed above the visor and on the dash if an enforcement stop was necessary or they can be removed during a surveillance operation. The truck was not equipped with a siren. Det. Kenney's had an 18-speed mountain bike in the bed of his truck that he would use on occasion to conduct surveillance.

At the time of this operation, Det. Kenney was wearing tennis shoes, blue jeans, a grey SF Giants T-Shirt and a dark blue hooded sweatshirt that he would wear on and off while conducting under cover surveillance on Decarlo. If necessary and Det. Kenney needed to be identifiable as a police officer, he carried with him a throw-over vest with police markings.

Written By: Inspector D. Wedemeyer	Date: 6-5-2017
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Contra Costa County District Attorney's Office
Continuation/Supplemental Report

Supplemental	
Continuation	XX

Subject / Defendant: Kevin J. Decarlo	Docket / Report No. CCCSO Report# 17-7047
---	---

Det. Kenney described his throw-over vest as having the words POLICE across the front and back in white lettering and a Velcro Vallejo Police badge affixed to the front. Affixed to the vest (Load Bearing) were Det. Kenney's radio, TASER, pistol magazines, Pepper Spray, First-Aid equipment, handcuffs, a 'Flash-Bang' diversionary device and a firearm.

Det. Kenney was also wearing a badge affixed to his belt and [REDACTED] vest on a chain around his neck that he said at times may or may not have been visible.

Det. Kenney's vest was not equipped with a body worn camera.

I asked Det. Kenney to explain further what information was known to him regarding Decarlo and he told me Decarlo had an active Felony warrant for his arrest for a pursuit that the Vallejo Crime Reduction team was involved in. Det. Kenney also knew that based on some recent intelligence, Decarlo may be armed and that he could be associated with a local Robbery / Murder of a pawn shop owner. Det. Kenney had information that Decarlo may be a participant in the unlawful selling/transferring of firearms.

I asked Det. Kenney if in addition to the pursuit for which Decarlo was wanted for, was he aware of any other incident involving the Vallejo Police that Decarlo was a person of interest for. Det. Kenney told me he was aware of the incident days after the pursuit with the Crime Reduction Team where Decarlo was located by patrol officers. During an attempted apprehension of Decarlo during that encounter, Decarlo intentionally rammed a marked Vallejo Police patrol car and avoided apprehension.

Det. Kelly said the initial plan was for surveillance was to be implemented in Vallejo near Tennessee and Lassen Streets by himself and Solano County DA Inspector [REDACTED] Decarlo was possibly associated with a Gold 4-door Infiniti. If Decarlo was detected in a residence, a Vallejo SWAT Call-out would be initiated for a surround and callout. If the opportunity presented itself to arrest Decarlo while he was on foot, an enforcement stop would be attempted.

As Det. Kelly drove to the Tennessee / Lassen Street neighborhood, he was called and directed toward north Vallejo because it was believed Decarlo was headed there to pick up a vehicle. As Det. Kelley drove to the north Vallejo neighborhood, he was informed that Decarlo had just committed an armed carjacking.

Written By: Inspector D. Wedemeyer	Date: 6-5-2017
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Contra Costa County District Attorney's Office
Continuation/Supplemental Report

Supplemental	
Continuation	XX

Subject / Defendant: Kevin J. Decarlo	Docket / Report No. CCCSO Report# 17-7047
---	---

After Det. Kelley learned of the armed carjacking, he headed back to the Tennessee / Lassen area.

When it was discovered that Decarlo had left the City of Vallejo, Det. Kelley went to the Vallejo Police Department to assist in formulating a more detailed plan on how to proceed with Decarlo. While at the Vallejo Police Department, Det. Kelley and the rest of the Vallejo officers believed Decarlo was at [REDACTED] Ellis Road in the City of Martinez.

Det. Kenney said that once in Martinez, he was to confirm that Decarlo and/or the vehicle Decarlo recently carjacked was parked in front of [REDACTED] Ellis Road on the south side facing east.

Det. Kelly drove to Martinez and said that he and Inspector [REDACTED] arrived at close to the same time. Det. Kelly described [REDACTED] Ellis Road as a difficult location to conduct surveillance due to the amount of people in the area who all seemed to be associated with each other.

Once it was determined the carjacked vehicle (A dark grey Dodge Challenger) was in front of [REDACTED] Ellis Road, surveillance was set up at the intersection of Giannini Road and Pacheco Boulevard.

****At this time in the interview, I presented Det. Kelley with a bird's eye Google Earth view of the area where this incident took place. I asked Det. Kelley to mark on the page where he initially parked his truck, but that location was not on the page – therefore no marking (as described on recording) were marked on the page.**

Det. Kelly said he moved his vehicle to a parking lot across the street from the 7-Eleven at 3520 Pacheco Boulevard. From there, he used his bicycle to conduct additional surveillance of Giannini Road and Ellis Road. While on his bicycle at the intersection of Giannini Road and Ellis Road, Det. Kelley saw who he believed to be Decarlo (he has previously viewed photos of Decarlo) get into the driver's seat of the Dodge Challenger.

As Det. Kelly was on his bicycle he was having a phone conversation with Inspector [REDACTED]. When Det. Kelley saw Decarlo get into the Challenger, he told Inspector [REDACTED]

Det. Kelly rode his bicycle back to his pickup truck and prepared to implement the 'Vehicle Containment Technique'. This technique was to take place at the intersection of Giannini Road and Pacheco Boulevard prior to Decarlo entering Pacheco Boulevard with the use of Det. Kelly's Ford pick-up and Inspector Myer's Ford pick-up.

Written By:
Inspector D. Wedemeyer

Date:
6-5-2017

Contra Costa County District Attorney's Office**Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Subject / Defendant: Kevin J. Decarlo	Docket / Report No. CCCSO Report# 17-7047
---	---

Once Det. Kelley and Inspector [REDACTED] contained Decarlo's vehicle from the front and rear, the units from Vallejo Crime Reduction were to supplement the containment from the side of Decarlo's vehicle.

Det. Kelly said as members of his team prepared to initiate the Vehicle Containment Technique, they were caught off guard by a second gold vehicle that left at the same time as the Challenger. As both vehicles made the left turn from Ellis Road onto Giannini Road, (gold vehicle followed by Challenger) Inspector [REDACTED] was parked on Giannini Road. Inspector [REDACTED] entered the road and prepared to stop in front of the Challenger as it approached the stop sign with Giannini Road and Pacheco Boulevard.

As Inspector [REDACTED] entered the road from the curb and approached the stop sign, both the gold vehicle and the Challenger stopped on Giannini Road. Det. Kelley believed the driver's may be conducting counter-surveillance. Det. Kelley instructed Inspector [REDACTED] to make a U-turn on Pacheco Boulevard and drive back onto Giannini Road so they could attempt the Vehicle Containment from a different angle.

At that time, Det. Kelley gave the initiation command to the rest of the units in the area and proceeded across Pacheco Boulevard as he saw the two vehicles begin to move toward him. Det. Kelley drove across Pacheco Boulevard and saw the gold vehicle was in front of the Challenger. Det. Kelley tried to position his vehicle in between the two vehicles to prevent any forward movement by Decarlo.

As Det. Kelley attempted to get in front of the Challenger, he noticed the gold vehicle accelerate out onto Pacheco Boulevard in and drove east. At that time, Det. Kelley confirmed the driver of the Challenger to be Decarlo and noticed an unknown female in the front passenger seat. Det. Kelley activated his emergency lights and attempted to initiate the Vehicle Containment Technique. Det. Kelley could see Decarlo was looking at him at this time. In addition to his emergency lights on the dashboard and above the passenger visor, Det. Kelley was wearing his police vest identifying himself as an officer.

Det. Kelley said both his vehicle and the Challenger operated by Decarlo continued toward each other. Det. Kelley intentionally made contact with front passenger portion of the Challenger with the front of his vehicle. Det. Kelley could feel Dthe Challenger continue to accelerate after it made contact with his vehicle and believed Decarlo was again attempting to avoid apprehension.

Written By: Inspector D. Wedemeyer	Date: 6-5-2017
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Contra Costa County District Attorney's Office**Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Subject / Defendant: Kevin J. Decarlo	Docket / Report No. CCCSO Report# 17-7047
---	---

I asked Det. Kelley why he believed Decarlo was attempting to accelerate through him and he told me that based on the number of times he has conducted that technique he could feel the two vehicles moving forward and backward while pushing against each other.

Det. Kelley felt his vehicle being overpowered and felt he had to accelerate significantly to just maintain the position of the Challenger and keep it from pushing him out on Pacheco Boulevard. I asked Det. Kelley if he knew where Inspector [REDACTED] was while this was going on and he said he was unaware of Inspector [REDACTED] location because he was focusing on Decarlo because of the possibility of him being armed.

Det. Kelley said Decarlo then began to backup to disengage from him vehicle. He believed Decarlo was intentionally trying to disengage from his vehicle because he saw Decarlo turn his upper body and look to the rear as if he was backing up. Det. Kelley tried to maintain contact with the front of the Challenger to the best of his ability. Det. Kelley was continuing to make contact with the Challenger to prevent Decarlo from becoming involved in another dangerous pursuit.

Det. Kelley continued to make contact with the Challenger and was able to spin the front end so the vehicle was perpendicular to the west curb line on Giannini Road. After doing so, Det. Kelly continued to drive north on Giannini Road in order to get out of Decarlo's immediate danger area and to establish a perimeter on the north side of Giannini Road.

As Det. Kelley was in position to the north of Decarlo facing west (perpendicular to Giannini Road), he looked to his left and noticed Decarlo violently ram the driver's side door of his vehicle with the front of the Challenger. Det. Kelley felt what he believed was a second impact from the Challenger as it disengaged from this vehicle. It was at that time he heard what he knew to be gunshots.

Det. Kelley looked and saw the other members of his team had arrived and officers were out of their patrol cars. Det. Kelley believed Decarlo was firing at other officers as well as himself. Det. Kelley exited his vehicle, drew his firearm and turned in the direction of Decarlo's vehicle (which was very close to the rear of his truck in a ditch).

As Det. Kelley looked toward Decarlo's vehicle, he could see the silhouette of Decarlo in the driver's seat. Det. Kelley described seeing "flashes" and sparks near the top of the rear window. Seeing that and hearing gunshots, Det. Kelley continued to think Decarlo was firing at him and the other officers trying to kill them.

Written By: Inspector D. Wedemeyer	Date: 6-5-2017
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Contra Costa County District Attorney's Office**Continuation/Supplemental Report**

Supplemental	
Continuation	XX

Subject / Defendant: Kevin J. Decarlo	Docket / Report No. CCCSO Report# 17-7047
---	---

Fearing for his safety and the safety of the other officer's on scene, Det. Kelley fired his Glock 17, 9mm pistol, approximately 8 times at Decarlo from just outside the driver's door of his vehicle. Det. Kelley said that there was a pause in gunfire that allowed his to seek cover on the passenger side of his vehicle.

From his new location at the passenger side of his vehicle, Det. Kelley was able to have a better look into Decarlo's car. Det. Kelley was unable to see Decarlo's right hand but could see most of his left hand near the steering wheel or air conditioner vent area. Det. Kelley heard multiple officer's repeatedly yell to Decarlo to show his hands. Decarlo was not cooperating with the commands to show his hands and at one point looked over his right shoulder toward the officers and his left hand dropped to where Det. Kelley could no longer see it. Believing Decarlo was going to attempt to fire at officers, Det. Kelley fired "2 or 4 shots".

I asked Det. Kelley how he felt after his vehicle was rammed by Decarlo followed by what he knew to be gunshots and he said, "Probably the scariest moment of my life." I asked Det. Kelly if that was the reason he fired his weapon and he said, "Yes."

At the time Det. Kelley fired his weapon, it was loaded with 17 rounds (capacity) in the magazine and one round in the chamber. After Det. Kelley fired his second series of rounds at Decarlo from the passenger side of his vehicle, he performed a tactical reload of his pistol – unloading the magazine in the weapon replacing it with a full magazine – and put the magazine he removed from his weapon in his back pocket.

Det. Kelley's weapon was inspected by the crime lab (fully loaded) and he also provided them magazine the he replaced during his tactical reload. As a member of the Vallejo SWAT Team, Det. Kelly is required to qualify quarterly with his duty weapon. He could not remember the date of his last weapon qualification.

I asked Det. Kelley to explain to me what he could remember about the lighting of the scene at the time it happened. Det. Kelley said the street was dim but there was some ambient light from the nearby 7-Eleven parking lot. Det. Kelley's duty weapon is equipped with a light that he used during his initially series of rounds fired at Decarlo.

Det. Kelley said after the gunfire ceased, communication was established with Decarlo and the female passenger. Det. Kelley moved his position and provided cover to the officers as they took the female and Decarlo into custody.

Written By:
Inspector D. Wedemeyer

Date:
6-5-2017

Contra Costa County District Attorney's Office
Continuation/Supplemental Report

Supplemental	
Continuation	XX

<u>Subject / Defendant:</u> Kevin J. Decarlo	<u>Docket / Report No.</u> CCCSO Report# 17-7047
--	--

Once Decarlo was detained and receiving treatment from the officer's, Det. Kelley assisted with securing the scene and began to put up crime scene tape.

I asked Det. Kelley if he gave Sgt. Knight a public safety statement once he arrived on scene. Det. Kelley told he provided Sgt. Knight with a brief overview of what happened for resource management purposes.

After the scene was contained and secure, Det. Kelley was transported by ambulance to John Muir Medical Center in Concord for treatment to his right hip, right knee and laceration to his head that were injured as a result of Decarlo violently ramming his vehicle.

I asked Det. Kelley if he had a conversation with any of the other involved officers prior to speaking with me and he told me he had not. Once Det. Kelley was transported to the hospital, he was sequestered from everyone.

I asked Det. Kelley if his agency notified the jurisdictional agency, the Contra Costa Sheriff's Office, that they would be in their area conducting surveillance on Decarlo and he said they did.

Det. Busch asked Det. Kelley if he would be comfortable drawing on a diagram his version of how things transpired. Det. Kelley agreed to do so – see attached diagram. For his explanation as he drew on the diagram, began the audio recording at the 1:00:00 timeframe.

The interview lasted 1:11:46.

Det. Busch was the lead interviewer of VPD Det. Tonn. Refer to her supplement for Det. Busch's supplemental report.

The interview of W- [REDACTED] by myself and Det. Busch was sent to Vallejo Police to be transcribed

Written By: Inspector D. Wedemeyer	Date: 6-5-2017
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CRITICAL INCIDENT BOARD OF REVIEW INVESTIGATION APPROVAL FORM

Title of Material: Critical Incident Investigation #2017-02	
Drafted by: Sergeant Shane Bower	May 9, 2018

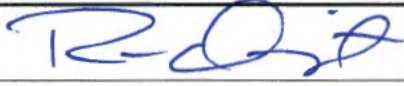
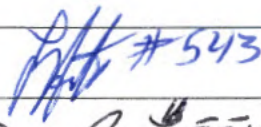
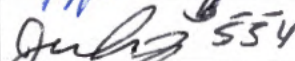
The attached is for your review and comments. Please initial that you are forwarding to the next person on the list. **DO NOT FORWARD TO A SUPERVISOR YOU KNOW IS ON VACATION OR WORKER'S COMP. YOU MUST FORWARD WITHIN TWO (2) DAYS OF RECEIPT.**


SUSPECT: Kevin DeCarlo

SUBJECT OFFICER(s):

Sean Kenney, Badge #620; Kevin Barreto, Badge #670;
Jarrett Tonn, Badge #673; Jared Jaksch, Badge #615

RECOMMENDED FINDING: Administrative Approval

SUPERVISOR	DATE		Review Time	SIGNATURE OF REVIEWING OFFICIAL
	Received	Forwarded		
Sgt. R. Knight	5/3/18	5/3/18	2 hrs.	
Lt. J. Bassett	—	—	—	—
Capt. L. Horton	05-10-18	06-10-18	10 min	
Capt. J. Whitney	05/10/18	05/10/18	10 min	

Chief of Police	INITIALS	Date Reviewed	Review Time	APPROVE	DISAPPROVE
Andrew Bidou		5-22-18	70 min	X	

**VALLEJO POLICE DEPARTMENT
CRITICAL INCIDENT BOARD OF REVIEW**

**REPORT OF INVESTIGATION
CI 2017-02
December 20, 2017**

TITLE:

Non-Fatal Officer Involved Shooting: VPD Case 17-7037/Contra Costa Sheriff's Office Case 17-7047

OFFICERS INVOLVED:

Corporal S. Kenney
Corporal J. Jaksch
Officer K. Barreto
Officer J. Tonn

DATE AND LOCATION OF INCIDENT:

May 31st, 2017 | 2144 hours | Giannini and Ellis Rd, unincorporated Martinez, Contra Costa County.

BOARD COMPOSITION:

Captain J. Whitney – Chair
Lieutenant J. Iacono – Tactics & Use of Force
Lieutenant J. Bassett – Professional Standards
Sergeant B. Knight – Professional Standards
Sergeant S. Bower – Firearms
Sergeant S. Ramrakha – Training
Sergeant T. Postolaki – Tactics & Use of Force
K. Trujillo – Assistant City Attorney

REPORT AUTHORED BY:

Sergeant S. Bower

SUMMARY:

On December 20th, 2017, a Critical Incident Review Board was convened. The above review team met in the Chief's Conference Room and discussed this incident.

CRITICAL INCIDENT INVESTIGATION #2017-02

Page 2 of 4

On May 31st, 2017, the Vallejo Police Department Crime Reduction Team (CRT) along with members of the United States Marshall's Fugitive Task Force (USMS) attempted to arrest Suspect-DeCarlo, Kevin. S-DeCarlo was wanted on an outstanding \$100K warrant and there was probable cause to arrest him for additional charges for failing to yield and ramming a pursuing Police Officer's vehicle. S-DeCarlo was also a suspect in an armed car-jacking that had just occurred and was believed to be in possession of a firearm.

CRT Detectives GPS pinged DeCarlo's cellular phone and located it at [REDACTED] Ellis Road in an unincorporated area of Martinez in Contra Costa County. CRT and USMS personnel completed an ops plan, and briefed the mechanics of the operation prior to responding to the suspect's location. Detectives proceeded to this location and set up surveillance to confirm S-DeCarlo was on scene. Ellis Road is a short, narrow, dead end street and is a difficult location to conduct surveillance. Detectives set up in the surrounding area to be prepared stop S-DeCarlo in the event he left the target location.

Det. Kenney decided to ride a bicycle into the target area to see if S-DeCarlo was in fact at this location. Det. Kenney saw S-DeCarlo enter a Gray Dodge Challenger parked at the target location. Det. Kenney rode back to his undercover Ford F150 truck to prepare to stop S-DeCarlo.

Detectives on scene decided to utilize a vehicle containment technique (VCT) to prevent S-DeCarlo from once again endangering the public by fleeing in a vehicle and safely take him into custody. This decision was made based on S-DeCarlo engaging officers in two dangerous pursuits prior to this operation, ramming a police vehicle in a prior pursuit, driving the wrong way on Interstate 80, and showing no regard for the safety of others while fleeing. The "vehicle containment technique" is an approved method of containing a vehicle that has been utilized on prior occasions. Det. Kenney and the personnel on scene have all been trained on how to utilize this technique.

S-DeCarlo began to drive away from the target location, as well as a second vehicle in tandem occupied by an accomplice [REDACTED]. Det. Kenney activated his emergency police lights and attempted to block S-DeCarlo's vehicle in with his Ford F150. S-DeCarlo did not surrender; instead, he rammed the truck's driver's side causing damage to Det. Kenney's vehicle and injuries to Det. Kenney. CRT Detectives converged simultaneously and saw S-DeCarlo's assault with his vehicle on Det. Kenney.

Fearing that S-DeCarlo would cause injury or death to Det. Kenney, Det. Tonn fired at S-DeCarlo from the passenger side of the police vehicle.

Det. Tonn, Det. Barreto, and Cpl. Jaksch then exited their cars and fired at S-DeCarlo from the rear while he was still seated in the Dodge Challenger in an attempt to stop the threat. The vehicle engine was revving in an apparent attempt to drive in reverse and S-

CRITICAL INCIDENT INVESTIGATION #2017-02

Page 3 of 4

DeCarlo was not complying with officers' orders to show his hands. Det. Barreto and Cpl. Jaksch fired their service pistols and Det. Tonn fired his patrol rifle.

Based upon Dt. Kenney's observations when he exited the Ford F-150, he believed the CRT detectives were in a gun battle with S-DeCarlo. Moreover, Det. Kenney could hear the suspect vehicle's engine revving and S-DeCarlo's hands kept dropping out of sight. Believing S-DeCarlo was armed and attempting to use his vehicle as a deadly weapon again, Det. Kenney fired his pistol at S-DeCarlo several times to stop the threat he was posing.

Once S-DeCarlo's actions ceased and he surrendered, officers converged on S-DeCarlo in the vehicle and were able to pull him out. They immediately called for medics and began emergency first aid on S-DeCarlo to include the application of chest seal(s) and tourniquet(s). They also detained a female passenger in the front seat who was uninjured.

During this incident, the involved officers were wearing police uniforms and equipment clearly identifying them as Law Enforcement Officers.

DETAILS:

The above listed members of the Critical Incident Review Board examined this case from the perspective of policy, tactics, and training.

- Policy: The Board found actions of the involved officers to be within policy.
- Tactics: The Board found certain tactics of the involved officers to be sound and within the accepted practices of the Vallejo Police Department.
- Training: The Board found the actions of the officers were within department training guidelines throughout this incident.

CONCLUSIONS:

Based on the totality of the facts, the Critical Incident Review Board recommends this case for administrative approval.

RECOMMENDATIONS:

The Board makes the following recommendations regarding this incident:

- No Vallejo Police Advanced Officer training adjustments need to be made as a result of this incident.

CRITICAL INCIDENT INVESTIGATION #2017-02

Page 4 of 4

- The Vallejo Police Department will continue to provide its officers with thorough firearms and tactics training.

NOTES:

None.

CRITICAL INCIDENT BOARD OF REVIEW INVESTIGATION APPROVAL FORM

Title of Material: Critical Incident Investigation #2017 - 04

Drafted by: Sergeant Jared Jaksch

October 11, 2018

The attached is for your review and comments. Please initial that you are forwarding to the next person on the list. **DO NOT FORWARD TO A SUPERVISOR YOU KNOW IS ON VACATION OR WORKER'S COMP. YOU MUST FORWARD WITHIN TWO (2) DAYS OF RECEIPT.**

SUSPECT: Victor Hurtado

SUBJECT OFFICER: Jarrett Tonn, Badge #673

RECOMMENDED FINDING: Administrative Approval

SUPERVISOR	DATE		Review Time	SIGNATURE OF REVIEWING OFFICIAL
	Received	Forwarded		
Sgt. D. Ramsay <input checked="" type="checkbox"/> LR <input checked="" type="checkbox"/> Format	10/11/18	10/11/18	25 min	<i>[Signature]</i>
Lt. S. Cheatham	10/12/18	10/12/18	20 min	<i>[Signature]</i>
Capt. L. Horton	10/15/18	10/15/18	10 min	<i>[Signature]</i> #543
Capt. J. Whitney	10/15/18	10/15/18	10 min	<i>[Signature]</i> #584

Chief of Police	INITIALS	Date Reviewed	Review Time	APPROVE	DISAPPROVE
Andrew Bidou					

Whitney for review JA 9/9/2019
DISAPPROVE 7/8/2017 RAMSAY REVIEW 10/11/18 BIDOU RETIRES 6/30/19

EXHIBIT

Ramrakha-6

**VALLEJO POLICE DEPARTMENT
CRITICAL INCIDENT BOARD OF REVIEW**

**REPORT OF INVESTIGATION
CI 2017-04
February 21, 2018**

TITLE:

Officer Involved Shooting: Victor Hurtado / VPD 17-8723

OFFICERS INVOLVED:

Ofc. J. Tonn #673

DATE AND LOCATION OF INCIDENT:

July 8, 2017 / 16:00 hours / City Park, Louisiana/Sacramento St., Vallejo CA

BOARD COMPOSITION:

Captain Whitney- Chair
Lieutenant Iacono- Tactics & Use of Force
Sergeant Knight- Professional Standards
Sergeant Jaksch- Training
Sergeant Rodriguez- Use of Force

REPORT AUTHORED BY:

Sergeant Jaksch

SUMMARY:

On 02/21/18 the Vallejo Police Department convened a Critical Incident Review Board to review the incident as it relates to Vallejo Police Department Policy, Tactics and Training. The Board was comprised of the above members of the Vallejo Police Department.

On 07/08/18 Vallejo Police Officers D. Jones and W. Carpenter spotted a vehicle and several suspects wanted in connection with an armed carjacking next to City Park. One of the suspects started to walk into the park as Officer Tonn arrived. The other suspects left in another vehicle which Ofc. Jones and Carpenter followed. Ofc. Tonn attempted to stop Hurtado but he fled on foot. During the foot pursuit, Ofc. Tonn observed Hurtado remove a firearm from his waistband. Ofc. Tonn fired at Hurtado but missed. Hurtado was located hiding in a detached garage after an extensive search of the area.

DETAILS:

- Policy: The Board found the actions of the involved officers within policy.
- Tactics: The Board found the tactics of the involved officers to be sound and within the accepted practices of the Vallejo Police Department.
- Training: The Board recognized two areas of training needs.
 - Radio traffic during the incident was dominated by multiple supervisors and many people were not monitoring or paying attention to others' transmissions which resulted in multiple requests for the same thing. The specific training action plan regarding this is to direct each patrol officer to conduct briefing training with their teams to reiterate proper radio traffic, transmissions, and monitoring during critical events.
 - A citizen produced a video depicting the traffic stop of Ofc. Carpenter and Ofc. D. Jones. Ofc. Jones was observed pointing her firearm in an unsafe direction towards other officers and had difficulty re-holstering the gun. Individual training and direction regarding muzzle discipline and weapon control has been provided to Ofc. Jones.

ADDITIONAL INFORMATION:

During the evaluation and critique of the incident the Board discussed several topics that were related to the incident. During his interview, Ofc. Tonn indicated that he saw the suspect remove the gun from his waistband two different times. In hindsight, Ofc. Tonn mentioned he could have engaged the armed suspect on the first occasion, Ofc. Tonn fired his weapon only when he felt he had no other option, as Hurtado was looking back towards Tonn while holding the firearm. Ofc. Tonn recognized that Hurtado was a threat to him and was fleeing towards a park where multiple citizens, including children were present, and would be in danger as well.

CONCLUSIONS:

Based on the totality of the facts, the Critical Incident Review Board recommends this case for: **Administrative Approval.**

RECOMMENDATIONS:

The Board makes the following recommendations regarding this incident:

- Vallejo Police Advanced Officer Training adjustments need to be made to ensure officers know that they must react in self defense without consideration for potential future civil unrest.



VALLEJO POLICE DEPARTMENT

Page 1

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 26 of 78
111 AMADOR ST. VALLEJO, CA 94590
CRIME REPORTCase
17-8723

OFFENSES	Offenses	Description	Fel/Misd	Date Occurred	Time Occurred	Incident #	
	69 PC	Obstruct/Resist Exec Off	Felony	07/08/17-07/08/17	1600 - 1600	1707080144	
	O/A Warrant FELONY	Outside Warrant Arrest FELONY	Felony	Date Reported	Time Reported		
	3056 P.C.	Violation Of Parole:fel	Felony	07/08/2017	1600		
	32 PC	Accessory	Felony	Related Cases			
	10851R	VEHICLE RECOVERY		Date Printed	Time Printed	Printed By	
22655.5	Evidence - See Veh Code			02/07/2018	16:10:03	2107	
	Location	Beat	Area	Disposition		Dispo Date	
	City Park, Louisiana St/Sonoma Bl, Vallejo, CA 94590	6	603	Clrd By Adult Arrest		07/08/2017	
	Location Type	Location of Entry	Method of Entry	Point of Entry	Alarm System	Means of Attack (Robbery)	
	Street/Highway						
	Victim		Drivers License	Cell Phone	Email		
	Tonn, Jarrett #673						
	Residence Address		Notified of Victim Rights	Residence Phone	DOB	Age	Sex
	VPD		No			M	
	Business Name and Address			Business Phone	Height	Wt	Hair
Vallejo Police Department, 111 Amador St, Vallejo, CA 94590			707-648-4321				Eyes
Assistance Rendered/Victim Disposition			Transporting Agency	Means of Attack (Assaults)			
Description of Injuries			Other Information				
	Witness		Drivers License	Cell Phone	Email		
	Residence Address			Residence Phone	DOB	Age	Sex
							Race
Business Name and Address			Business Phone	Height	Wt	Hair	Eyes
				Action Taken	Charges		
				OTHER			
	Residence Address			Residence Phone	DOB	Age	Sex
							Race
	Business Name and Address			Business Phone	Height	Wt	Hair
						Eyes	
Identifying Features			Cell Phone	Drivers License		Arrest Number	
Aliases			Val Damaged				
VEHICLES	Status	Vehicle Make and Model		License/State	VIN		
	Impounded/VETO Impounded/VETO	2005 White Gmc Sierra 2008 Green Toyt Cam		CA CA			
OFFICERS	Prepared By	Date	Assisted By		Approved By	Date	
	673 - Tonn, Jarrett	07/08/2017			331 - Robinson, Herman	07/10/2017	
	Routed To	Date	Routed To	Date	Notes		
	Detective Bureau Detective Bureau						



VALLEJO POLICE DEPARTMENT

Page 2

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 27 of 78
111 AMADOR ST. VALLEJO, CA 94590
CRIME REPORTCase
17-8/23

Arrested Plancarte, David		Action Taken OTHER	Charges 32 PC			
Residence Address [REDACTED]		Residence Phone	DOB 09/15/1996	Age 20	Sex M	Race H
Business Name and Address		Business Phone	Height 5'10"	Wt 170	Hair BLK	Eyes BRO
Identifying Features Build: Medium Complexion: Medium		Cell Phone	Drivers License [REDACTED]		Arrest Number 6083	
Aliases						

Victim [REDACTED]		Drivers License	Cell Phone [REDACTED]	Email		
Residence Address [REDACTED]		Notified of Victim Rights No	Residence Phone [REDACTED]	DOB	Age	Sex [REDACTED]
Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
Assistance Rendered/Victim Disposition		Transporting Agency	Means of Attack (Assaults)			
Description of Injuries		Other Information				

Witness [REDACTED]		Drivers License	Cell Phone [REDACTED]	Email		
Residence Address [REDACTED]		Residence Phone	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
Business Name and Address		Business Phone	Height	Wt	Hair BRO	Eyes

Witness [REDACTED]		Drivers License	Cell Phone	Email		
Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
Business Name and Address		Business Phone	Height [REDACTED]	Wt [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]

Detention Only Hurtado, Victor E		Drivers License [REDACTED]	Cell Phone	Email		
Residence Address [REDACTED]		Residence Phone	DOB 03/25/1985	Age 32	Sex M	Race H
Business Name and Address [REDACTED]		Business Phone	Height 5'7"	Wt 180	Hair BLK	Eyes BRO

Mentioned - Other [REDACTED]		Drivers License [REDACTED]	Cell Phone [REDACTED]	Email		
Residence Address [REDACTED]		Residence Phone	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
Business Name and Address		Business Phone	Height [REDACTED]"	Wt [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]

**VALLEJO POLICE DEPARTMENT**

Page 3

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 28 of 78

111 AMADOR ST. VALLEJO, CA 94590
CRIME REPORT

Case 17-8723

	Mentioned - Other [REDACTED]	Drivers License [REDACTED]	Cell Phone	Email			
	Residence Address [REDACTED]		Residence Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Race [REDACTED]
	Business Name and Address		Business Phone	Height [REDACTED]	Wt [REDACTED]	Hair [REDACTED]	Eyes [REDACTED]
	Mentioned - Other [REDACTED]	Drivers License	Cell Phone [REDACTED]	Email			
	Residence Address		Residence Phone	DOB	Age	Sex	Race
	Business Name and Address		Business Phone	Height	Wt	Hair	Eyes
	Registered Owner [REDACTED]	Drivers License	Cell Phone	Email			
	Residence Address [REDACTED]		Residence Phone	DOB	Age	Sex [REDACTED]	Race
	Business Name and Address		Business Phone	Height	Wt	Hair	Eyes

--	--	--	--	--	--	--	--



VALLEJO POLICE DEPARTMENT

Page 4

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 29 of 78
111 AMADOR ST. VALLEJO, CA 94590
CRIME REPORT - PROPERTY

17-8/23

ID No.	Status/Disposition	Property Description	Value	Val Recovered	Val Damaged
1	Evidence	2053-1 - 1 Glock - 2053-1-GLOCK 21 45 CALIBER HANDGUN (OFFICER TONN) ()			
2	Evidence	2053-8 - 1 - 2053-8-METAL OBJECT - PLACARD 10			
3	Evidence	2053-3 - 1 - 2053-3-ALCATEL CELL PHONE AND BATTERY - PLACARD 5			
4	Evidence	2053-5 - 1 - 2053-5-LARGE BAG WITH UNKNOWN WHITE SUBSTANCE			
5	Evidence	2053-6 - 1 - 2053-6-SMALL BAG WITH UNKNOWN WHITE SUBSTANCE			
6	Evidence	2053-2 - 1 - 2053-2-ALCATEL BACK OF CELL PHONE - PLACARD 4			
7	Evidence	2053-4 - 1 - 2053-4-BLK COOLPAD CELLPHONE - PLACARD 6			
8	Evidence	2053-7 - 1 - 2053-7-EAGLE TORCH - PLACARD 9			
9	Evidence	2053-9 - 1 - 2053-9-MY CHARGER - PLACARD 11			
10	Evidence	2053-10 - 1 - 2053-10-3 EXPENDED CASINGS LOCATED ON THE CORNER OF PACKARD ALLEY AND SANTA CLARA (1116)			
11	Evidence	571-1 - 1 - DVD-STATEMENT OF ()			
12	Evidence	571-2 - 1 - DVD-STATEMENT OF ()			
13	Evidence	571-3 - 1 - () SKETCH OF ()			
14	Evidence	658-1 - 1 Dvd - INTERVIEW W ()			
15	Evidence	658-2 - 1 Map - DRAWING OF () RESIDENCE			
16	Evidence	620-1 - 1 Video Surveillan - VIDEO SURVEILLANCE FROM ()			
17	Evidence	618-1 - 1 Cd - VPD RADIO TRAFFIC			
18	Evidence	618-2 - 1 Dvd - OFC. TONN INTERVIEW			
19	Evidence	618-3 - 1 Dvd - (S)-HURTADO INTERVIEW			
20	Evidence	618-4 - 1 Cd - (S)-PLANCARTE INTERVIEW			
21	Evidence	618-5 - 1 Dvd - (S)-() INTERVIEW			
22	Evidence	618-6 - 1 Email - CPL. KENNEY'S EMAIL REGARDING CARJACKING			
23	Evidence	2053-11 - 1 - 2053-11-PHOTOGRAPHS OF SCENE			

**VALLEJO POLICE DEPARTMENT**

Page 5

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 30 of 78

111 AMADOR ST. VALLEJO, CA 94590
CRIME REPORT - PROPERTY

17-8/23

ID No.	Status/Disposition	Property Description	Value	Val Recovered	Val Damaged
24	Evidence	2053-12 - 1 - 2053-12-BUCCAL SWAB OF HURTADO			
25	Evidence	2053-13 - 1 - 2053-13-BUCCAL SWAB OF PLANCARTE			
26	Evidence	2053-14 - 1 - 2053-14-PHOTOGRAPHS OF HURTADO,PLANCARTE AND [REDACTED]			
27	Evidence	2053-15 - 1 - 2053-15-MAGAZINE LOADED IN OFFICER TONN'S FIREARM DURING SHOOTING. ONE BULLET IN THE CHAMBER AND 10 IN THE MAGAZINE			
28	Evidence	2053-16 - 1 - 2053-16-ADDITIONAL MAGAZINE WITH 13 LIVE ROUNDS FROM OFFICER TONN			
29	Evidence	2053-17 - 1 - 2053-17-ADDITIONAL MAGAZINE WITH 13 BULLETS FROM OFFICER TONN			
30	Evidence	509-1 - 1 Pictures - GOOGLE EARTH (5) IMAGES			
31	Evidence	618-7 - 1 Cd - [REDACTED] SANTA CLARA VIDEO			
32	Evidence	618-9 - 4 Photos - STILL PHOTOS TAKEN FROM VIDEO			
33	Evidence	618-8 - 1 Dvd - FINAL ENHANCED VIDEO			

**VALLEJO POLICE DEPARTMENT**

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 31 of 78 Page 1

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 1

17-8723

On 07/08/2017 Officer Carpenter and I were working as a Vallejo Patrol Unit. We were both wearing full police uniform and driving a fully marked police car. We were patrolling the area of Alabama and Marin looking for a wanted vehicle, license plate [REDACTED]. The vehicle was wanted for PC 215-car jacking out of Napa County.

Earlier that day I received an email from Detective Kenney regarding two males who were wanted out of Napa for carjacking and assault with a deadly weapon. The two males who were wanted were PLANCARTE, David and HURTADO, Victor. Both males were documented gang members. The outstanding carjacking vehicle was described as a green Toyota Camry ([REDACTED]).

At approximately 1559 hours we were driving east on Alabama towards Marin. I observed a vehicle matching the description parked on the south side of the road facing east. I observed two males standing at the rear of the car with the trunk open. The males were later identified as HURTADO, Victor and PLANCARTE, David.

As we got closer to the vehicle I observed both males walk away from the vehicle. HURTADO walked south into City Park and PLANCARTE walked east on Alabama. PLANCARTE got into the passenger side of a white truck, license plate [REDACTED]. The truck was parked on the south side of Alabama facing east just west of Marin Street. Right when PLANCARTE got into the truck it drove off east on Alabama Street.

Officer Carpenter and I were attempting to conduct a felony car stop of the vehicle when we both heard shots being fired in the area of City Park. I heard over the radio that Officer Tonn was in a foot chase with HURTADO and that HURTADO had a gun. Officer Carpenter and I conducted a traffic stop on the truck and both occupants were detained without issue.

PLANCARTE was sitting in the front passenger seat and [REDACTED], was the driver of the vehicle. Both ID were confirmed via Cal Photo. A records check indicated PLANCARTE was a parolee at large.

Both occupants of the vehicle was driven to the station. During my time contacted PLANCARTE and [REDACTED] I did not discuss anything related to the incident.

Officer Carpenter and I went back out to the scene to assist in the capture of HURTADO. On scene I assisted in scene security.

Nothing Further.

D. Jones

Prepared By:

653 JONES, DYNELLE

Date:

07/08/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017

**VALLEJO POLICE DEPARTMENT**

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 32 of 78 Page 1

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 2

17-8723

On 7/8/17, I was working patrol for the Vallejo Police Department as a two man unit with Ofc. D Jones. I was fully uniformed and driving fully marked patrol vehicle #137.

At approximately 1523 hours, I received an email from Detective Kenney regarding two males who were wanted out of Napa for carjacking and assault with a deadly weapon. The two males who were wanted were S-David Plancarte and S-Victor Hurtado. Earlier in the day on 7/8/17, both S-Plancarte and S-Hurtado were the suspects who reportedly held a gun to a victim and pistol whipped him ultimately knocking him unconscious.

Both S-David Plancarte and S-Victor Hurtado are documented Sureno Gang members and are on CDC Parole. Additionally, S-Plancarte was wanted for a gang related robbery from two weeks prior. S-Plancarte was recently released from prison and is a parolee at large. S-Plancarte has prior arrests for violently resisting police officers and for firearm related arrests.

At 1540 hours, I called Ofc. Keener of the Napa Police Department who is a friend of mine to ask him if he was familiar with the above mentioned wanted suspects and if he had any additional information. Ofc. Keener is currently assigned to the Special Enforcement Unit (SEU) for the Napa Police Department and I know he has had numerous contacts with documented Napa Gang Members, including but not limited to S-Victor Hurtado and S-David Plancarte.

Ofc. Keener advised he had previously arrested S-Plancarte during an incident where S-Plancarte tossed a loaded firearm and violently resisted him. Additionally, S-Hurtado had previously been arrested for assault with a deadly weapon.

At approximately 1559 hours, I was driving eastbound on Alabama Street between Marin Street and Sacramento Street when I observed the 2008 Toyota Camry () parked on the south side of Alabama Street facing east. There was a large mobile home parked in front of this Toyota Camry and a 2005 GMC Sierra () parked in front of the mobile home.

There were two Hispanic males standing at the trunk of the 2008 Toyota Camry. Based on the photos from Detective Kenney's email I believed the individuals were S-David Plancarte and S-Victor Hurtado.

Both individuals glanced at Ofc. Jones and I, turned their body's away from us, and began to walk away from the vehicle. Both parties began walking in different directions. S-Victor Hurtado began walking quickly southbound through City Park while S-Plancarte got into the front passenger seat of a 2005 GMC Sierra (). As the 2005 GMC Sierra drove eastbound on Alabama Street towards Sonoma Blvd, Ofc. Tonn turned westbound onto Alabama Street towards my location.

I advised Ofc. Tonn we had located the carjacking vehicle and one of the wanted subjects was walking southbound through City Park wearing a white t-shirt.

Ofc. Jones and I continued to follow the 2005 GMC Sierra, and ultimately conducted a felony traffic stop on the vehicle on Louisiana Street west of Sonoma Blvd.

At the time of our traffic stop I overheard Ofc. Tonn in foot pursuit with a subject who had a firearm. Shortly after I heard several shots fired west of my location.

Ofc. Jones contacted both occupants of the vehicle, (driver) and S-David Plancarte (front passenger). S-David Plancarte was placed under arrest and was detained. Both parties were

Prepared By:

651 CARPENTER, WILLIAM

Date:

07/08/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



VALLEJO POLICE DEPARTMENT

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 2

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 33 of 78

Page 2

17-8723

transported back to the police department where they were placed in holding cells.

I drove back to the area of Santa Clara Street and Placard Alley where a perimeter was set to contain the subject Ofc. Tonn was in foot pursuit with.

At this point my assignment was to maintain perimeter. Hours later, the subject Ofc. Tonn was in a foot pursuit with was located inside of our perimeter. This individual was S-Victor Hurtado and I positively identified him as the other male who was standing at the rear of the Toyota Camry () with S-David Plancarte. Furthermore, this was the individual who I observed walking southbound through City Park.

At 1945 hours, I towed the 2005 GMC Sierra () under an evidence tow.

Ofc. Carpenter #651

Prepared By:

651 CARPENTER, WILLIAM

Date:

07/08/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



VALLEJO POLICE DEPARTMENT

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 34 of 78 Page 1

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 3 - [REDACTED]

17-8723

CASE: 17-8723

CODE: 69 PC

CRIME: Obstruct Officer

LOCATION: Santa Clara St/Alabama St
Vallejo, CAWITNESS: [REDACTED]
[REDACTED]
Vallejo, CA

On 07/08/17 at approximately 1900 hours, I was contacted by Detective Sergeant Fabio RODRIGUEZ who requested I assist with the officer-involved shooting that occurred today in the area of Santa Clara Street and Alabama Street. During the course of this investigation I was tasked with interviewing Witness [REDACTED]. [REDACTED] drove herself to the Vallejo Police Department and I contacted her in the front lobby. I escorted [REDACTED] into a non-secure interview room that is audio-video recorded. My interview with [REDACTED] was later downloaded to a CD and booked into evidence by Detective CAITHAM.

This report is only a summary of the events that [REDACTED] and I discussed. For further information refer to the attached CD that has been placed into evidence.

[REDACTED] stated that she lives at [REDACTED] in the upstairs unit. She stays there with [REDACTED] and a friend, [REDACTED] who has been staying with her for the past couple weeks. On today's date she woke up, did some errands around the house, and got breakfast for her family. Sometime between the hours of 1430 and 1500 she was inside her residence. She stated that [REDACTED] was [REDACTED] on Georgia St and [REDACTED] was on the back porch using her cell phone because it has better reception outside. She stated that as she walked outside on the back porch, she heard what she believed to be three gunshots. She stated that she knows what gunshots are because she has fired guns in the past and she has heard them while living at her residence. She believed the initial gunshots came from the area west of her residence. She stood on her back porch and looked south towards Packard Alley. She believed the person who fired their weapon may come through the alley behind her residence and she wanted to see what was going on.

As she stood outside on the porch with [REDACTED], she heard a male voice say, "Bitch, you tried to shoot me, bitch nigga." Again she stated that this was a male voice and said she could hear him clearly. She then saw what she believed to be a Hispanic male walking along the

Prepared By:

658 MARTINEZ, JASON

Date:

07/08/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



pathway on the east side of her residence. She initially thought that the male was her neighbor because her neighbor is also Hispanic. The male she saw walk into her yard had dark slicked back hair, was wearing a white t-shirt, and dark or black jeans. She stated that this male was a Hispanic male adult, approximately 20 years old. Believing that this male was her neighbor she called out his name, [REDACTED]. When the male did not answer she saw the male continue to walk into her backyard near her compost pile. At this time, she reentered her residence. As she was walking inside her residence, she heard a thud and saw the male's hands make a motion as if he dropped something in the compost pile.

I asked [REDACTED] if she saw what the male dropped and she did not, but she believed the male dropped a gun based off of the thud sound and the gunshots she had heard. [REDACTED] said she also told [REDACTED] that the male had dropped a gun.

When she went back into her house, she closed the door and began looking out the back window. She saw the male enter her rear shed and close the doors behind him.

Due to hearing the gunshots, the male walking into her back yard and hearing the police sirens, she believed that the male that she had seen come into her backyard may have possibly shot a police officer. She said that her and [REDACTED] ran out the front door and contacted a police officer who was in the area and told them that a male had walked into her backyard. [REDACTED] had no further information at this point.

This concluded my interview with [REDACTED].

Det J MARTINEZ

ADDITIONAL PERSONS

Witness - [REDACTED]

Sex: [REDACTED], Race: [REDACTED], Height: [REDACTED], Weight: [REDACTED], Hair: [REDACTED], Eyes: [REDACTED]

Address: [REDACTED]

Cell: [REDACTED]

Witness - [REDACTED] DOB: [REDACTED]

Sex: [REDACTED], Race: [REDACTED], Height: [REDACTED], Weight: [REDACTED], Hair: [REDACTED], Eyes: [REDACTED]

Address: [REDACTED]

Prepared By:

658 MARTINEZ, JASON

Date:

07/08/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



CASE NUMBER: 16-8723

CODE: 69 PC

CRIME: Obstruct Officer

LOCATION: Santa Clara St/Alabama St
Vallejo, CA

WITNESS: [REDACTED]
Vallejo, Ca

While Detective Caitham and I were interviewing witness, [REDACTED], I was contacted by Detective Greenberg, who requested I interview [REDACTED]. He stated that [REDACTED] was in the front lobby and had information related to the shooting.

I contacted [REDACTED] in the front lobby of the Vallejo Police Department and I escorted her into a secured interview room. This interview room is audio/video recorded. This recording was later downloaded to a DVD and placed into Vallejo PD evidence as Item 658-1. My report regarding this interview is only a summary of events. For further information, refer to the DVD that was placed into evidence.

[REDACTED] told me that she currently lives at [REDACTED] with her husband, [REDACTED]. She said that on today's date and time, she was inside her front living room when she heard what she believed to be three gunshots. She initially thought that the gunshots were fireworks, but then realized they were gunshots. She looked out her front window and she saw what she believed to be a light skinned Caucasian male or Hispanic male standing on the northeast corner of Santa Clara Street and Packard Alley. She stated that this person was wearing light colored clothing and a hat similar to a fisherman's hat. The male was running with a gun in his hand northbound on Santa Clara Street towards Alabama Street. She stated that she did not recognize this male and she was unable to identify him.

[REDACTED] told me that she did not see this male shoot the gun, but only looked outside after hearing what she believed to be three gunshots. [REDACTED] stated that she had heard the police arrive shortly thereafter and she had no further information.

I drew a sketch of the area to include Packard Alley and Alabama St. [REDACTED] said her residence was on [REDACTED]. When she looked out [REDACTED], she told me that she saw the male with the gun on the north east corner of Packard Alley and Santa Clara St. I drew a small box indicating this on the sketch. I later placed this sketch into evidence as item 658-2.

Prepared By:

658 MARTINEZ, JASON

Date:

07/08/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



VALLEJO POLICE DEPARTMENT

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 37 of 78 Page 2

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 4 -

17-8723

This concluded my interview with .

Det. J MARTINEZ

ADDITIONAL PERSONS

Witness - DOB:
Sex: Race: , Height: , Weight , Hair: , Eyes:
Address:
Cell:

Witness - DOB:
Sex: , Race: , Height: , Weight , Hair: , Eyes:
Address:

Prepared By:

658 MARTINEZ, JASON

Date:

07/08/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017

**VALLEJO POLICE DEPARTMENT**

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 38 of 78 Page 1

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 5 - video surveillance

17-8723

On 7/8/17 at about 1600 hrs, I responded to a report of suspects fleeing from a carjacking vehicle. Officer(s) had chased one subject and shots were fired during the foot pursuit. I assisted with a search for the suspect as part of the SWAT team. Following the search, I assisted with scene security and canvassing.

I spoke with [REDACTED] who stated that she witnessed the suspect running north on Santa Clara street with a firearm in his hand. [REDACTED] went to the Vallejo Police Department and was later interviewed by Detectives.

I spoke with [REDACTED] at [REDACTED] Santa Clara St. [REDACTED] stated that she had video surveillance of a portion of the foot pursuit. The video surveillance system time seemed accurate when viewed on her mobile device. I viewed the video which shows the suspect running west on packard alley and then north on Santa Clara St. I appears he is holding his hands close to the center of his body while running (instead of the normal arm swing while running). The suspect goes off camera and an Officer can be observed firing what appears to be three shots. The foot pursuit continues and is covered by a different camera angle. The suspect can be seen running east on Alabama street and out of view. The Officer appears to pause near Alabama and Santa Clara until additional officers arrive.

I took a video recording of the surveillance as it played on [REDACTED] mobile device. She was unsure how to download the video at the time.

I booked those recordings into Evidence.Com

I was contacted by a male subject (from phone [REDACTED]) who identified himself as the resident of [REDACTED] Santa Clara. He expressed hesitation in providing the downloadable copies of the video surveillance. The male stated he was in a different state currently but would be willing to meet with Detectives during the following week when he returned. I provided him my contact information along with VPD Investigations Division information.

-Cpl. S.Kenney 620

Prepared By:

620 KENNEY, SEAN

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017

**VALLEJO POLICE DEPARTMENT**

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 39 of 78 Page 1

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 6 - Initial investigation

17-8723

On 7/8/2017 I was working uniformed patrol for the Vallejo Police Department assigned to Squad 5 as 5P1. At approx. 1601 hours I responded to the 300 block of Alabama Street. Officer Tonn had advised over the radio that a Hispanic male adult suspect with short black hair, wearing a white t-shirt, and black pants had fled into one of the back yard sheds on the 300 Block of Alabama Street.

Officer Bottomley and I obtained permission from the homeowners at [REDACTED] Alabama Street [REDACTED] to enter their residents. We then conducted a security sweep of the residence and used windows on the top floor of the residence as perimeter positions. We were then joined by Cpl. Acfalle and Officer Tolentino, who also took perimeter positions within the residence

At approx. 1847 hours Officer Acfalle spotted a subject matching the description of the suspect to the rear of the residence. We detained the subject, who was later identified as (AR)Victor Hurtado without incident.

I secured Hurtado in the back seat of a VPD unit and left the scene.

I did not question Hurtado, nor did he make any spontaneous statements towards me during our interaction.

My Axon body camera battery had died shortly before detaining Hertado so the incident was not recorded.

Nothing further.

Officer N. Sloan #686

Prepared By:

686 SLOAN, NICKOLAS

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017

**VALLEJO POLICE DEPARTMENT**

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 7

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 40 of 78 Page 1

17-8723

07/08/2017

1601 Hours

On the above date and time, I was working Vallejo Police Street Patrol. I responded to Officer Tonn #673 who advised he was chasing a carjacking suspect through a park located in the area of Sacramento Street and Louisiana Street. Officer Tonn advised the suspect was a Hispanic male wearing a white t-shirt, and black pants. While driving to assist Officer Tonn, he advised shots were fired and the suspect fled into the back yard shed somewhere in the 300 block of Alabama Street.

I arrived to the location. Officer Sloan #686 and I obtained permission of the residence of [REDACTED] Alabama Street [REDACTED] to enter their residence and use it for an "over watch position". The building was a two story building with a three level deck on the south side. Officer Tolentino #625, Cpl. Acfalle #537 and Officer Macho #702 arrived to the over watch position with us soon after.

At approximately 1847 hours, Cpl Acfalle stepped onto the deck to view below us. I heard Cpl Acfalle yelling at the suspect fitting the description to surrender peacefully. I assisted in covering Cpl Acfalle while Officer Sloan and Tolentino detained the suspect. The suspect was later identified as Victor Hurtado, who was the suspect Officer Tonn was chasing. I later transported Hurtado to VPD for processing without incident. I did not question Hurtado but he did spontaneously state in the vehicle that he was in the park and that he committed no crime. Hurtado questioned why VPD officers were arresting him. Nothing further at this time.

S. Bottomley #687

Prepared By:

687 BOTTOMLEY, SPENCER

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



VALLEJO POLICE DEPARTMENT

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 41 of 78

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 8 - Initial investigation

17-8723

CASE NUMBER: 17-8723

CODE: PC 69

CRIME: Obstruct Officer

LOCATION: Marin Street/ Louisiana Street
Vallejo, CA

VICTIM: Ofc. Jarrett TONN, Badge # 673

SUSPECT 1: HURTADO, Victor

DOB: 03-25-85

DL # [REDACTED]

SUSPECT 2: PLANCARTE, David

DOB: 09-15-96

CDL # [REDACTED]

SUSPECT 3: [REDACTED]

DOB: [REDACTED]

CDL # [REDACTED]

On 07-08-17, at 0323 hours, I received an email from Corporal Sean KENNEY, who is a Vallejo Detective assigned to the United States Marshal's Task Force. The email was regarding two parolees who were Suspects in a carjacking last night in Napa County. They were identified as (S)-David PLANCARTE and (S)-Victor HURTADO. The email contained their pictures and driver's license numbers. The email stated that both subjects were wanted for Carjacking, Assault with a Deadly Weapon, Felonious Battery with Gang Enhancements. The email stated during the assault, the suspects took the victim's vehicle and his cell phone. Both of these subjects were on parole and documented Sureño gang members. It stated that PLANCARTE was recently released from prison and was a parolee at large, and he had prior arrests for PC 69- Resist with Violence Against Police Officers, and various firearm charges. It was stated HURTADO had priors for Assault with Deadly Weapons. The vehicle listed in the email as carjacked was a green Toyota Camry, license plate # [REDACTED].

Prepared By:

618 GREENBERG, ROB

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/20/2017



At approximately 1630 hours, I received a call at home from Detective Sergeant Fabio RODRIGUEZ. He stated officers had located the carjacked vehicle near City Park in downtown Vallejo. A foot pursuit ensued, and an officer had discharged his firearm at one of the subjects. Sergeant RODRIGUEZ told me it was unknown at this time if the subject was hit by the officer's bullet; however, he was hunkered down in a yard, and the SWAT team was on scene, attempting to locate the subject. He asked me to stand by and be ready to come out at a later time.

At 1730 hours, Sergeant RODRIGUEZ called me and asked me to respond to the scene. I responded to the command post, which was located at the fire station located at Marin Street/ Louisiana Street. I was directed to the location of the carjacked vehicle, which was at the southwest corner of Alabama Street/ Marin Street facing eastbound. It was a green Camry, license plate [REDACTED], the same one entered as a stolen vehicle and the same car in Det. Kenney's email. I went and looked into the vehicle through the windows and did not open the vehicle. I did not see anything of interest through the windows.

I then responded to Packard Alley/ Santa Clara Street, as I was told by other officers that was where the shooting occurred. Officers had attempted to locate the casings and were unable to. Packard Alley runs east-west between Alabama Street and Louisiana Street. The alley is south of Alabama Street and north of Louisiana Street.

I was told that they believed the suspect was hunkered down in a shed in the backyard of the 300 block of Alabama Street. I then responded to the station where Officer TONN was being sequestered by Sergeant POSTOLAKI. We were met by PA BOURSAW, who took photos of Officer TONN and collected his firearm. Officer TONN'S attorney, [REDACTED], arrived from the Mastagni Holstedt Law Firm. I was told by Sergeant POSTOLAKI he accompanied Officer TONN to the CRT office to download his body camera footage, and it would be on the server shortly.

I then reviewed the video of Officer TONN. It shows Officer TONN running east through Packard Alley, exiting onto Santa Clara Street. Officer TONN makes a northbound turn, and I see a subject in a white tee shirt at the corner of Alabama Street and Santa Clara Street. As soon as Officer TONN comes out of the alley, he yells "Drop it!" and fires three rounds at the subject in the white tee shirt. The subject in the white tee shirt, later identified as HURTADO, then runs eastbound on Alabama Street. Officer TONN continues to run northbound on Santa Clara Street and slows as he approaches the intersection. He then crosses Alabama Street to the northeast corner of the street, while speaking on his radio, directing other units in. On the video, you can see a woman in the passenger seat of a blue Prius that just pulled up tell him that the subject just ran into a backyard on Alabama Street.

After that car drives away, two Napa County Sheriff's Deputies in an unmarked police vehicle

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07/09/2017

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Date:

07/20/2017



arrive. Officer TONN then encounters two women in the middle of the street who come running out of [REDACTED] Alabama Street saying there is a subject in the backyard, he just ran into the shed. The Napa County Sheriff's Deputies and Officer TONN form a perimeter on the house as other officers arrive.

Officer TONN then goes back across the street to speak with the two women that came running out of the house. They were identified later as (W)- [REDACTED] and (W)- [REDACTED]. They confirmed with Officer TONN they were in the backyard and they heard the police yelling at somebody and realized they were trying to catch someone. They started to go inside and they saw a Hispanic male with a white tee shirt and black slick-backed hair come into the yard and throw a gun and enter the shed area. They were later interviewed by Detectives CAITHAM and MARTINEZ. See their supplemental reports for their statements.

At approx. 1845 hrs.the SWAT team took HURTADO into custody in the backyard of [REDACTED] Alabama Street. HURTADO was not in need of any medical attention, as Officer TONN'S bullets had not struck him.

I then spoke with Officer CARPENTER, who was at the scene when the incident started. For Officer CARPENTER'S involvement, please see his report. Officer CARPENTER told me he was speaking with Detective KEENER of the Napa Police Department, who was investigating the carjacking. He had learned from Detective KEENER that [REDACTED] and they were in the area of Louisiana and Marin Streets. He and his partner, Ofc. Dynelle JONES, drove to that area and located the 2008 Camry, license plate [REDACTED], parked at the location where I had seen it next to City Park. He saw the two Suspects from the email as the carjacking suspects, later identified as PLANCARTE and HURTADO, standing at the trunk of the vehicle. When they attempted to contact the subjects, PLANCARTE got in the passenger side of a white truck, and the truck took off eastbound on Alabama Street, while HURTADO began to walk south through the park. Officer CARPENTER said he and his partner took off after the vehicle containing PLANCARTE, and Officer CARPENTER directed Officer TONN, who had just arrived, towards Victor HURTADO, who was walking through the park. Officers CARPENTER and JONES went to stop the vehicle, and he did not see what happened with Officer TONN.

Sergeant DARDEN informed me that another citizen had come forward, later identified as [REDACTED]. She told an officer at the scene that she saw a man running with a gun from the police. [REDACTED] was interviewed by Detective MARTINEZ. See Detective MARTINEZ' supplemental report.

I was then informed by [REDACTED] that she would like to do a scene walk-through with Officer TONN. I drove Officer TONN and [REDACTED] to the area. We were there for approximately 30 minutes and I did not hear the conversation between Officer TONN and his

Prepared By:

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07/09/2017

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Date:

07/20/2017



attorney. I then brought them to the Vallejo Police Station.

Detective YATES and I interviewed Officer TONN in an interview room. The interview was recorded. In the interview room was Detective YATES and I, Officer TONN, and his attorney, [REDACTED]. The interview was recorded and booked into Evidence. For Ofc. TONN'S exact statements, refer to DVD. I asked if he was willing to make a statement regarding this incident, and he said he wanted to. Officer TONN told me the following in summary:

Officer TONN has been a police officer with the Vallejo Police Department for almost three years. He had approximately seven years of police experience at the Galt Police Department prior to coming here. He was assigned 5P5 today, which means he works Team 5, Day Shift, as a solo patrol unit in Beat 5. Officer TONN was wearing his full police uniform and duty belt at the time of the incident. He was still wearing that during the interview, and he explained what was on his belt. He stated he carries a department-issued Glock 21 .45 caliber pistol with three fully-loaded magazines with 13 rounds each, and one bullet in the chamber of his gun. He stated he was driving Patrol car number Unit 175. Officer TONN stated he was not injured, nor did he receive any damage to his equipment during this incident.

I asked Officer TONN what happened, and he stated the following:

Officer TONN stated he had received an email at approximately 3:30 from Detective Sean KENNEY. It was a Be on the Lookout email regarding PLANCARTE and HURTADO. They were suspected of using a handgun to carjack a subject in Napa County earlier this morning. Both men were known to be felons and parolees with weapons charges. They were also validated Sureño gang members. He learned that the subjects had put a gun to the VICTIM'S head and knocked him unconscious, taking his car. He learned that the Napa Task Force was [REDACTED]

[REDACTED] at Alabama Street and Marin Street with [REDACTED].

Officer TONN stated he was initially at Sonoma Blvd./ Benicia Rd. and drove to the area to attempt to locate the carjacking vehicle. He intended to locate the vehicle and watch it and wait for additional units. As he was driving northbound on Marin Street, he saw the car parked on Alabama Street and Marin Street, on the southwest corner facing east. He recognized the car and was just going to drive by and park and wait for additional units. He saw that there was a police vehicle right next to the carjacking vehicle. He did not know if those officers knew that they were out with a carjacking car or if it was an unrelated stop. At that time, he decided to go assist the other officers, not knowing if they were aware they were out with the carjacking vehicle.

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07/09/2017

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Date:

07/20/2017



He stopped next to the other patrol car and Officer CARPENTER then directed him towards the Hispanic male wearing a white shirt, running southwest through the park. Officer TONN stated he saw the subject in a white tee shirt and black pants jogging southwest through the park towards the play structure. Officer TONN continued west on Alabama Street, then south on Sacramento and east on Louisiana Street. He parked his vehicle on the wrong side of the street, up on the curb next to the park.

He was looking for the man, as he had temporarily lost sight of him. He then saw some moms in the park with their children. The women were looking all in the same direction near the play structure. He looked through the slats in the wooden play structure and saw the subject in the white tee shirt attempting to conceal himself by crouching down behind the play area. Officer TONN then got out of his car and began to sprint directly at the subject in the white tee shirt. He said within a few seconds, the suspect looked up and saw him and began running northwest through the park, towards Sacramento Street. Officer TONN said he pursued the man, and he advised Dispatch that he was in a foot pursuit with an armed carjacking Suspect and asked for a Code 33.

Officer TONN continued running west along the playground area and then north onto Sacramento Street. As he followed the subject into the alley, he saw the man had a gun in his right hand. Officer TONN said he initially did a doubletake, because he wasn't initially sure that it was a gun and then he realized it was in fact a handgun. He stated he was within ten yards or so of the Suspect.

Officer TONN then advised over the radio that the Suspect had a gun. Officer TONN stated he told the Suspect he would shoot and to stop, and he did not; the Suspect continued running west through the alley. About midway through the alley, the Suspect shoved the gun back in his waistband, which concerned Officer TONN. Officer TONN said he had been in foot pursuits with subjects with guns before, and as soon as he saw the gun, they (the suspects he has chased) had discarded it. The fact that this man did not discard the gun and "reholstered," as he described it, to keep the gun, he was scared what the man's intentions were with keeping the gun. He feared that he would be shot or ambushed, or other officers responding to the scene would be shot by the subject.

As they started to exit the alley onto Santa Clara Street, he saw the subject's elbow moving and his hands near the front of his waistband, like he was trying to get the gun out of his waistband. Officer TONN was wondering why the gun did not come out and believed that he had possibly got the gun stuck on his clothing and was having difficulty getting it out.

As Officer TONN approached the corner, he slowed down and attempted to slowly clear the corner, to avoid rushing out of the alley and being ambushed and shot by the Suspect. When

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07/09/2017

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Date:

07/20/2017



he exited the alley, he saw the Suspect at the corner of Alabama Street and Santa Clara Street. He was worried about himself being shot and ambushed, as the subject was trying to remove his gun. He was also worried that the officers coming to assist him might be shot. He did not know Officers CARPENTER and JONES had taken off after a white truck that the other subject had gotten into. He had assumed that they had turned around and were coming eastbound on Alabama Street directly at him to assist him.

Fearing for his own safety, citizen safety, and the arriving officers' safety, with a known violent felon carjacker armed with a handgun, he fired three shots at the subject to stop him from possibly shooting or injuring someone. After the shots were fired, the Suspect then fled eastbound on Alabama Street. Officer TONN stated he did not know if the Suspect had been shot.

As he approached the intersection, he slowed down and lost sight of the Suspect. He again tried to slowly clear the side of the house on the corner so he did not get ambushed by the Suspect. Officer TONN stated he advised Dispatch that he had fired shots and the Suspect had a gun. Officer TONN crossed northbound across Alabama Street to the northeast corner so he could have a better view of the south side of Alabama Street. Officer TONN felt due to the time that it took him to catch up to the Suspect that the Suspect had hunkered down in a yard on the south side of Alabama Street.

After a few seconds, a citizen in a car came up to him and told him that the subject had run into a yard and pointed to [REDACTED] Alabama Street. Officer TONN advised Dispatch and did not pursue and tried to direct units in to set a perimeter.

At that time, two Detectives from the Napa County Sheriff's Deputies arrived in an unmarked police vehicle and assisted Officer TONN in helping him set the perimeter. While setting the perimeter, two females from (he believed) [REDACTED] Alabama Street came out and told him there was a man who ran into their shed and threw a gun down.

Officer TONN said once officers arrived and they set a perimeter on the yard where the man was described to have gone, he went back and recontacted the females. He activated his body camera and asked them what the color of the gun was and asked them where the gun was thrown. He said they did not know.

After enough units got there, Officer TONN stated he began to walk to the command post at Marin and Louisiana Street. While he was walking back, he noticed the carjacking vehicle was still parked at the park and there was no police officer securing with the car. Officer TONN stated he stood by with the car until he was relieved by Napa County Deputies. After the Napa County Deputies arrived, he then walked to the command post.

Prepared By:

618 GREENBERG, ROB

Date:

07/09/2017

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Date:

07/20/2017



Officer TONN stated that his car did not have video.

We then took a break and returned a few minutes later back to the interview room. Detective YATES then went over Officer TONN'S statement with him again. After going over the statement, the interview was concluded.

Detective CAITHAM and I then interviewed HURTADO. HURTADO was brought into an interview room and the interview was recorded and booked into Evidence. For exact statement, refer to DVD. HURTADO then told us the following.

HURTADO stated he was at City Park with some friends. He did not want to tell us what friends or why he was at the park. HURTADO stated he had a beer on him and a dope pipe. HURTADO stated he saw the police arrive and at that time, he started walking through the park. He is not familiar with Vallejo and he did not know which way he was walking, but he was attempting to get away by walking through the park. He stated he knew he was on parole and he was not supposed to have beer or a drug pipe, so he wanted to get away. He began walking through the park towards the play structure. HURTADO stated he then left the play structure and started running across the street and into an alley. HURTADO said the police were chasing him. While running in the alley, he tossed his dope pipe and his beer. He described that he had a tall can of an unknown type of beer. He did not want to be caught with those items by the police.

He then ran through the alley and turned onto a street when he exited the alley. As he got to the corner of the street, he said somebody fired a gun at him. HURTADO said he was scared for his life, so he continued to run down the street and hid in a backyard. HURTADO stated he never looked back and never saw who was chasing him. I asked if he knew it was a police officer, and he stated he was not sure, because he never saw them, but assumed it was. Throughout the interview, he then stated he never looked back and never assumed it was a police officer and didn't know who was chasing him. He stated he is not from Vallejo and doesn't know anybody and doesn't know why anybody would be chasing him, but he was scared for his life.

He then hunkered down and didn't realize the police were the ones chasing him. He never heard the police sirens or police officers yelling at him to come out, until the very end, which was why he did come out. I asked HURTADO if he had a gun today, and he said no, he does not carry guns. He stated he has never been arrested with a gun and has never possessed a gun.

The interview was concluded and Napa County Deputies came into the interview room and interviewed HURTADO regarding their carjacking case.

Prepared By:

618 GREENBERG, ROB

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/20/2017

**VALLEJO POLICE DEPARTMENT**

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 48 of 78 Page 8

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 8 - Initial investigation

17-8723

Detective CAITHAM and I then interviewed (S)- PLANCARTE. PLANCARTE was read his rights and he invoked his right to remain silent. The interview was recorded on my digital recorder and booked into evidence.

Detective CAITHAM and I then interviewed (S)-[REDACTED]. The interview was recorded and booked into Evidence. For exact statement, refer to DVD. See Detective CAITHAM'S supplement for [REDACTED] statement.

As of 1200 hours on 07/09/17, the gun seen in the hand of HURTADO has not been found. Officers from the Vallejo SWAT Team searched the route of the foot pursuit and the sheds and backyard area where HURTADO was located for a couple of hours and the gun was not found.

HURTADO was booked into Solano County Jail for PC 69, and his parole agent issued a parole detainer. PLANCARTE was booked into Solano County Jail on his Parolee at Large Warrant. [REDACTED] was under arrest for PC 32, Accessory after the Fact, and he was released per PC 849 (b) from the Vallejo Police Department.

Investigation continues.

Det. R. Greenberg #618

Prepared By:

618 GREENBERG, ROB

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/20/2017

**VALLEJO POLICE DEPARTMENT**

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 49 of 78 Page 1

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 9 - [REDACTED]

17-8723

CASE NUMBER: 17-8723

WITNESS:

[REDACTED]
[REDACTED]
Vallejo, CA 94590
[REDACTED]

On 07/08/17 at approximately 1628 hours, I received a phone message advising that there was a SWAT call-out being initiated for an officer involved shooting involving a carjacking suspect. The suspect had fled on foot after the shooting.

On arrival, the suspect had been identified as Victor HURTADO. Once on scene, I assisted with a yard to yard search of the 400 block of Louisiana. During the search, the suspect was located by perimeter units at [REDACTED] Alabama Street, in the backyard. Hurtado was taken into custody.

I received a phone call from Detective Sergeant Rodriguez in regards to this case. He asked if I could assist with the investigation of the case. I responded to the Vallejo Police Department to assist with the investigation.

Once at the station, I was advised that witnesses [REDACTED] and [REDACTED] were coming to the Police Department to be interviewed. It was my understanding that these two witnesses advised initial police on scene that the suspect had been seen in their backyard and gone into their shed. Both [REDACTED] and [REDACTED] arrived at the Vallejo Police Department. Myself and Detective Martinez spoke with [REDACTED] first. See Detective Martinez's report for details.

We next spoke with [REDACTED]. She was taken to an interview, which is audio and video recorded. The following is a summary of the interview. Please see recording for full details.

[REDACTED] advised that she lived at [REDACTED] Alabama Street, [REDACTED] and has lived there for approximately one month with [REDACTED]. She stated that on this date, 07/08/17, she woke up at around 10 in the morning. She and [REDACTED] went out to the store and then went to [REDACTED] mother's house, at which point they returned to their home, [REDACTED] Alabama, at around 1200 to 1300 hours.

[REDACTED] advised that after arriving home, at some point, she was sitting on the porch in the backyard because she gets a WI-FI signal there. She believed it was around 1400 hrs. She

Prepared By:

571 CAITHAM, JOSH

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



advised that the porch is two stories and she was sitting on the second story. She stated that, at this time, the door to the house was open, which leads to the kitchen and that [REDACTED] was inside the kitchen. [REDACTED] advised that she heard three to four gunshots in the alley, which is to the rear of her house. She stated that she also heard police sirens and heard cops yelling to "Stop". She advised that she thought someone was shooting at the police.

She stated that [REDACTED] also heard the gunshots and stated it. She stated that [REDACTED] then came to the door and told [REDACTED] to get in. [REDACTED] then went inside the house; however, [REDACTED] remained in the doorway, partially standing on the porch. [REDACTED] stated that upon seeing that [REDACTED] was still outside, she went to [REDACTED] to try to pull her back in the house. At that point, she saw a Hispanic male adult with black hair, wearing a white t-shirt, dark jeans and beat up shoes walking on the left side of the yard. She advised that he appeared to be 5'8" in height and of medium build and estimated him to be in his late 20s. She advised that the male was calmly walking along the left side of the rear of the house. He then cut through the middle of the yard and began walking toward a shed in the yard on the right side. The subject did not say anything and she did not say anything to the subject.

As the subject approached the shed, [REDACTED] advised that there is a compost pile. She stated that as the subject approached the compost pile, he made a throwing motion with his hands and she heard a thud. She believes that he threw a gun on the ground. She believed this based on the sound that object made when it hit the ground. She did not see a gun but saw the subject make a throwing motion. The suspect then walked to the shed and went inside, closing the door.

[REDACTED] advised that the subject would crack the shed door and appeared to be peeking out. He did this multiple times. [REDACTED] advised that she and [REDACTED] then fled from their house out the front and once in front of their house, they observed a police officer, flagged him down and informed him that the male subject had gone into their backyard and was now in their shed. She stated that she and [REDACTED] then waited across the street at their [REDACTED] house.

[REDACTED] advised that she later observed the police bring out a handcuffed suspect from the rear of her yard. She stated that as they brought the subject out, she recognized him as the same person she had seen walking into their yard, through their yard, and going into their shed.

[REDACTED] drew a diagram of her house and the rear yard and the areas where the suspect had walked. That diagram was later booked into evidence. I booked the recorded interviews of [REDACTED] and [REDACTED] into evidence as well.

It should be noted that the subject who was arrested in the rear of [REDACTED] Alabama was

Prepared By:

571 CAITHAM, JOSH

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



VALLEJO POLICE DEPARTMENT

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 9 -

Page 3

17-8723

positively identified as Victor HURTADO.

Nothing further. Investigation ongoing.

CAITHAM 571

Prepared By:

571 CAITHAM, JOSH

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



VALLEJO POLICE DEPARTMENT

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 52 of 78 Page 1

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 10 - statement

17-8723

CASE: 17-8723

WITNESS:



Vallejo, CA 94591

DL# [REDACTED]

On 07/09/17, at approximately 0130 hours, myself and Detective GREENBERG spoke with [REDACTED] at the Vallejo Police Department. The interview with [REDACTED] was recorded via video recorder. The following is a summary. Please see recording for full details.

I read [REDACTED] his Miranda Rights using a department issued Miranda card. [REDACTED] advised that he understood his rights.

[REDACTED] advised that he was at the park located near Louisiana and Sacramento Street on 07/08/17. He advised, initially, he was at his house when he received a phone call from David PLANCARTE. Initially, [REDACTED] advised that PLANCARTE was his friend and that at around 1400 hours, on 07/08/17, PLANCARTE called [REDACTED] asking for a ride. [REDACTED] stated that PLANCARTE advised to meet at the park. When [REDACTED] arrived, he observed PLANCARTE standing near the park and then he picked him up and was going to take him to his [REDACTED] house, however, the police arrived and pulled [REDACTED] over. Both [REDACTED] and PLANCARTE were arrested.

I asked [REDACTED] if PLANCARTE was associated or had a vehicle. [REDACTED] advised that he did not have a vehicle and that he did not know PLANCARTE to have a vehicle. During the interview, I asked [REDACTED] if PLANCARTE was associated with a car on this date, 07/08/17, and eventually, [REDACTED] advised that PLANCARTE was associated with a car. He did not know what type of car it was, but stated that it was gray. [REDACTED] advised that he drove his [REDACTED] white GMC truck to the park to pick up PLANCARTE.

[REDACTED] then advised that PLANCARTE called him at 1400 hours and asked him to help jump his car. Earlier in the interview, [REDACTED] had stated he did not know PLANCARTE to have a car. I asked [REDACTED] where PLANCARTE got the car and [REDACTED] advised that he did not know and that he did not know whose car it was. [REDACTED] stated that Plancarte did not tell him where he got the car or tell him who the car belonged to. He indicated that Plancarte did not tell him anything about the car. At one point, [REDACTED] stated that the car could have belonged to the person that PLANCARTE was talking to at the park. [REDACTED] stated that he had seen PLANCARTE speaking with another Hispanic male at the park.

Prepared By:

571 CAITHAM, JOSH

Date:

07/09/2017

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553 IACONO, JOE

Date:

07/10/2017

█████ advised that when he arrived at the park, he saw PLANCARTE at the park near the gray car which had its trunk opened. He advised that jumper cables were already out of the car. █████ advised that they hooked the jumper cables up to his truck and PLANCARTE's car. He stated that PLANCARTE then got into the gray car and tried to start it. At first, it seemed to be working, however, in the end, it didn't work. PLANCARTE then got into █████ truck. █████ advised that he was going to take PLANCARTE to his house on █████. As they pulled away, multiple police units arrived in the area and █████ was pulled over.

██████████ stated that he had seen PLANCARTE talking to another person at the park. He stated at one point in the interview, ██████████ advised that this male subject was also seated in PLANCARTE's car. He stated that the male subject was seated in the passenger's seat of PLANCARTE's car, and that at one point, both PLANCARTE and the Hispanic male were in the car together when PLANCARTE tried to start the car without success. ██████████ advised that when the police showed up, this was about the time when PLANCARTE's friend left. He did not see which way he went. He did not know if the subject left walking or running. He stated that he had never seen the subject before and that he did not know who the subject was.

[REDACTED] advised that when PLANCARTE got in [REDACTED] vehicle, he did not say anything. When the police showed up, PLANCARTE also did not say anything. He did not tell [REDACTED] to drive or to get out of the area. [REDACTED] stated that when the police showed up, PLANCARTE was calm and was not acting strange. [REDACTED] advised that PLANCARTE was not nervous, and that as they started to drive away and the police stopped them, they were both arrested at gunpoint and the police said "[REDACTED]"

[REDACTED] He advised that Plancarte did not say anything while they were being arrested.

█████ advised that he knows PLANCARTE from Napa. He stated that he met him through his older brother. He advised that he had last seen PLANCARTE approximately a week ago.

█████ advised that while at the park area, he never heard any gunshots and did not see the police chasing anyone.

I asked [REDACTED] if he knew a Victor Hurtado and he advised that me did not know that person.

██████ was asked about his gang affiliations and he advised that he is not in a gang but that he perefers southerners also known as Surenos.

██████ was later released per 849 (b) PC. He was identified by DMV photo and his California ID.

A copy of the recording was booked into Vallejo Police Evidence.

Prepared By:

571 CAITHAM, JOSH

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



VALLEJO POLICE DEPARTMENT

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 10 - statement

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 54 of 78 Page 3

17-8723

Nothing further at this time.

CAITHAM 571

Prepared By:

571 CAITHAM, JOSH

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



On 7/8/2017 at about 1600 Hours, Ofc. Tonn said over the radio he was in foot pursuit of an armed subject running with a gun in his hand. The foot pursuit started in the area of City Park west of Sacramento Street with the suspect running behind the apartment complex at [REDACTED] Alabama Street. I was Ofc. Macho's Field Training Officer and we were assigned to a restraining order violation call with an arrestee. We transported the arrestee to the station and left him in a holding cell.

We brought Peace Keeper 1 to the last known location of the armed suspect to provide mobile hard cover. A high ground position had already been established in the 2nd floor apartment watching over a shed the suspect was last seen going into. We went moved into the overwatch position and I assumed the Sierra 1 sniper/observer role. We were watching a shed/garage door located on the S/W corner of [REDACTED] Alabama. The shed was single floor, approximately 200 square feet in size. The main car sized garage doors were on the north side of the garage facing Alabama Street. To the south of the shed/garage was [REDACTED] Alabama, a detached and separate 2 story apartment complex.

Our vantage point was on the 2nd floor above the shed. When I arrived there were windows on the east and west side of the apartment, as well as an open rear door and open window on the south side. The south side door and window overlooked the east side shed/garage man sized door. It was this door which the resident of [REDACTED], saw the suspect go into. Ofc. Sloan watched the garage door from the west side window. Ofc. Bottomley watched the man sized door from the south side window. I overwatched the south side of the backyard from the opened rear door. Ofc. Macho provided security to the east side through that window. Just outside my rear door was a porch landing and 2 flights of stairs leading to ground level.

At about 1847 Hours, Ofc. Bottomley told me the shed door was opened, but he didn't see anyone come out of it. I suspected there was a concealed area at the bottom of the stairs just below me, which the suspect could hide under. Ofc. Bottomley and I had already devised an action plan that if we made contact with the suspect, I would give commands and he would put that information out over the radio. I stepped out on the porch landing, looked to the east and south. Just as I looked over the west side porch railing I saw an HMA wearing a white tshirt and black pants sneaking out from under the stairwell. I ordered him to put his hands up & I could clearly see there was nothing in his hands. The subject looked up at me with a look of giving up. The suspect laid on the ground and placed his hands behind his back. I took over communications and said over the radio that we had positive contact with the suspect, that he was down on the ground and we could see his hands with nothing in them.

Ofc. Sloan ran down the stairs and I sent Ofc. Tolentino down with him to take the suspect into custody. Since the shed door was open, Ofc. Bottomley went down the stairs and covered the officers from the opened shed door. I ran down the stairs and told Ofc. Macho to provide overwatch. Once I hit ground I had Ofc. Macho come down.

I had Ofc. Bottomley secure the east side man door of the shed/garage, while I ran around to the front side of it. Neither of us were able to enter the shed/garage, because it was completely filled with commercial sized freezers and ice makers.

I relayed the occurrence to Sgt. Darden and later to the SWAT Mission Leader Cpl. Joseph. I heard on the radio the subject we took into custody had been positively identified by officers as the correct

Prepared By:

537 ACFALLE, DAN

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



VALLEJO POLICE DEPARTMENT

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 11 - Sierra 1 - Sniper Supplemental

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 56 of 78 Page 2

17-8723

subject.

This ended my involvement with this incident. Forward this supplement to Investigations.

Corporal Acfalle #537 - Squad 5

Prepared By:

537 ACFALLE, DAN

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017

**VALLEJO POLICE DEPARTMENT**

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 57 of 78 Page 1

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 12 - Secondary search 070917

17-8723

On 070917 at approx. 1300 hrs. Det. Caitham and I responded to [REDACTED] Alabama St. in attempt to locate Hurtado's firearm. We responded with a metal detector to look through some planters and through the bamboo stalks.

After some time in the areas with loose dirt, nothing was located. I then called for VFD to respond with a ladder to check rooftops close to the area Hurtado was located. I checked the roof of the detached garage Hurtado was located next to and didn't locate anything. VFD then used a chainsaw to cut large pieces of bamboo in the rear yards of [REDACTED] and [REDACTED] Alabama St. where Hurtado could have thrown the gun into or concealed inside the thick branches. No firearm was located.

Det. R. Greenberg #618

Prepared By:

618 GREENBERG, ROB

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017

**VALLEJO POLICE DEPARTMENT**

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 58 of 78 Page 1

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 13

17-8723

On 07/08/2017 @ 16:00 hrs. I was working Vallejo Police Department street patrol as the supervisor for Vallejo Police Patrol Squad Five. I was wearing a full Vallejo Police uniform including the appropriate badging, patches, and weapons belt. Additionally I was driving marked Vallejo Police car #150, which is equipped with emergency lighting and a steady forward facing red light. I next responded to the area of the 300 block of Alabama St. to assist Ofc. TONN and other Vallejo Police officers who were engaging armed "carjacking" suspects. Ofc. TONN had footchased and shot his duty firearm at later identified S.) HURTADO who was in possession of a firearm and had threatened the Ofc. TONN with it.

Upon arrival on the 300 block of Alabama St. I observed victim/witnesses fleeing from their residence N/B across the street. It was determined that HURTADO had fled into the block and possibly hidden behind [REDACTED] Alabama St. in a outdoor shed. It should also be noted that numerous Napa County Sheriff's Office tactical officers were on scene had been following the suspects. Please refer to NAPA Sheriff's Office Case # 17-2908.

Sgt. DARDEN who also arrived at the scene and I began coordinating perimeter and tactical efforts in an attempt to apprehend the suspect and maintain, both public safety and the OIS shooting scene. After coordinating tactical and investigative efforts. The entire scene and tactical command was transferred to VPD Tactical officers.

I then contacted and sequestered Ofc. TONN. I drove Ofc. TONN to the area of the OIS in and effort to make sure that we had maintained the OIS shooting scene. I next transported Ofc. TONN to VPD. Ofc. TONN remained in my presence and maintained the integrity of his duty equipment. Det. GREENBERG contacted us at VPD and took over the OIS investigations.

I recorded the incident with my Taser body camera. I downloaded the footage at VPD. No further information at this time.

Sgt. Postolaki 559

Prepared By:

559 POSTOLAKI, TED

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017

**VALLEJO POLICE DEPARTMENT**

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 59 of 78 Page 1

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 14

17-8723

On 07/08/2017 at approximately 1600 hrs, I heard Officer Tonn engage in a foot pursuit. Corporal Acfalle and I were on a separate call at [REDACTED] on a restraining order violation. While entering the house, I heard Officer Tonn advise that he was in foot pursuit of a PC 215(Carjacking) suspect who was armed with a gun and shots had been fired. I entered the home and took custody of the male and placed him in my patrol car. Corporal Acfalle and I responded to the VPD holding cells and placed the subject in cell A4.

Corporal Acfalle and I responded to the scene in a Peacekeeper vehicle. Once on scene I learned that suspect, Victor Hurtado, Corporal Acfalle and I proceeded to the second floor of [REDACTED] Alabama Street to provide overwatch. Corporal Acfalle assigned me to cover the sector directly to the southeast of the house.

I was keeping watch when I heard Corporal Acfalle step outside onto the porch. I then heard Corporal Acfalle tell someone to stop and that he had positive identification on the suspect. I exited onto the porch with Corporal Acfalle and I saw a male in a white t-shirt and black pants laying on his stomach with his hands behind his back in the backyard. I provided cover to officers as they proceeded down the stairs to take him into custody. Once officers took him into custody I transitioned to covering an open shed door.

Other officer's arrived on scene and the male was confirmed as Victor Hurtado.

There is nothing further at this time.

-Officer J. Macho #701

Prepared By:

701 MACHO, JAMES

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



Report Date: July 8, 2017
Agency: Vallejo Police Department
Agency Case #: 17-8723
Suspects: [REDACTED]

HURTADO, VICTOR
PLANCARTE, DAVID

Location: Marin and Louisiana
Crime: 69 PC
TOC: 1600

CRIME SCENE INVESTIGATION - SUPPLEMENTAL REPORT

OVERVIEW

On July 8, 2017 at approximately 1645 hours I was contacted by Sergeant Fabio Rodriguez advising of a Vallejo Police Officer was involved in a shooting and he requested that I respond and photograph the officer involved then respond to the scene and process the scene.

I processed Officer Tonn at the Vallejo Police Department and then responded to the scene.

I completed processing the evidence at approximately 2230 hours. At 2245 hours Corporal Botello contacted me to respond back at the Vallejo Police Department to process three individuals who were arrested in this case. I completed this task at approximately 0030 hours.

PURPOSE OF EXAMINATION

To photograph the officer involved in the incident on July 8, 2017 and collect his duty weapon.

To process the scene and collect evidence discovered by Vallejo Police Officers and book the items collected.

To process three individuals arrested during the incident on July 8, 2017 at approximately 1600 hours with the Vallejo Police Department case number 17-8723.

EVENT DESCRIPTION

On July 8, 2017 Officer Jarret Tonn was on duty and involved in a chase with individuals suspected of carjacking a vehicle in a neighboring city. During the chase Officer Tonn discharged his duty weapon 3 times on the corner of Packard Alley and Santa Clara in a northern direction.

I responded to the Vallejo Police Department and met with Officer Jarret Tonn who was accompanied by Sergeant. T. Postolaki. I photographed Officer Tonn in uniform as he was at

Prepared By:

2053 DAILEY, STEPHANIE

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



the time of the shooting. Office Tonn then provided me with his duty weapon, a Glock 21 45 caliber with serial number [REDACTED]. I collected his duty weapon, the bullet in the chamber along with 10 additional bullets in the magazine. I collected 2 additional magazines with 13 bullets in each magazine.

Upon my arrival on the scene, the carjacking vehicle was already towed and Officer Tonn's vehicle was moved from its original location. Upon receiving that information, I was directed to photographed the area where the chase began, along Packard Alley, northbound Santa Clara from Packard Alley and eastbound on Alabama Street.

Corporal Botello and I began to walk the chase path. We began at City Park, then continued westbound down Packard Alley. I photographed overalls of the areas every few feet.

At the corner of Packard Alley and Santa Clara on the north corner three yellow large placards were located. Upon further inspection of the placards I noted a casing was located at each placard. I photographed the placards in place, the casings in place and then placed my yellow placards down. My report will reference my yellow placards, beginning with placard #1.

After photographing the placards, I collected each item packaged them separately. I then retrieved my placards 1-3 and the placards placed at the scene prior to my arrival by patrol officers.

I then continued taking pictures in a northbound direction on Santa Clara. Along with photographing the area I checked the neighboring houses, vehicles, sidewalk, street and fences for possible strike marks. I was unable to locate any strike marks along the shooting path. I did not locate any evidence on Santa Clara Street.

I continued to photograph eastbound Alabama Street. It was requested the I photographed what appeared to be 3 cell phones in the back yard of [REDACTED] Alabama street, along the fence line of [REDACTED]. Upon further investigation it was noted there were two cell phones. The back of one of the Alcatel cell phone fell off which made it appear there was three cell phones. The battery of the Alcatel cell phone was also removed from the phone. These items were marked with placards 4-6. They were collected and packaged separately.

I large bag containing a white powder was located next to the shed it the back of [REDACTED] Alabama. This bag was originally marked with a large placard 16 but was then replaced with my placard #7. This bag was collected and placed in a drug envelope.

Officer Wagoner provided me with a small bag with white powder which he located in the shed. See his report for further information pertaining to locating the bag. This bag was placed in a drug envelope and sealed.

Prepared By:

2053 DAILEY, STEPHANIE

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



A torch was located next to the shed and marked with placard #9. A round metal piece was located near the torch and marked with placard #10. Also near the torch was a white "MyCharger". This was marked with placard #11. These items were collected and packaged separately.

I remained at the scene while the Vallejo Fire Department searched the roof tops of the neighboring houses in an attempt to locate a firearm. No firearm was located.

I returned to the Vallejo Police Department Evidence Section where I sealed the property bags and entered the items into RIMS.

I returned home but then was called back to the main station by Corporal Richard Botello to process and photograph the suspects in this case.

I responded to the Vallejo Police Department and met with Officer Josh Caitham. Officer Caitham escorted me to the holding cell and requested that I photograph three individuals arrested in this case.

Officer Caitham brought out (S) PLANCARTE, DAVID from the holding cell. I photographed Plancarte in the clothing he was detained in. After photographing him I obtained a Buccal swab. Officer Caitham returned Plancarte to the holding cell.

Officer Caitham then brought out (S) HURTADO, VICTOR from the holding cell. I photographed Hurtado in the clothing he was detained in. After photographing him I obtained a Buccal swab. Officer Caitham returned Hurtado to the holding cell.

Officer Caitham then brought out (S) [REDACTED] from the holding cell. I photographed [REDACTED] in the clothing he was detained in. I did not obtain a Buccal swab from [REDACTED].

I placed the Buccal swabs in a secured locker and exited the Vallejo Police Department.

EXAMINATION RESULTS

I was requested to respond to the Vallejo Police Department on July 8, 2017 to assist in an incident that occurred at approximately 1600 hours in which an officer of the Vallejo Police Department discharged his firearm.

I processed Officer Tonn and acquired his duty weapon.

Prepared By:

2053 DAILEY, STEPHANIE

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



I then responded to the scene and photographed the scene and collected evidence.

I was later asked to process three individuals who were detained pertaining to this incident. I photographed all three and obtained Buccal swabs from two of the individuals.

All property collected was later booked into the Vallejo Police Department evidence section and the photographs were downloaded.

PROPERTY BOOKED

2053-1-GLOCK 21 45 CALIBER HANDGUN (OFFICER TONN)
2053-2- ALCATEL BACK OF CELL PHONE - PLACARD 4
2053-3- ALCATEL CELL PHONE AND BATTERY - PLACARD 5
2053-4- BLK COOLPAD CELLPHONE - PLACARD 6
2053-5- LARGE BAG WITH UNKNOWN WHITE SUBSTANCE
2053-6- SMALL BAG WITH UNKNOWN WHITE SUBSTANCE
2053-7- EAGLE TORCH - PLACARD 9
2053-8-METAL OBJECT - PLACARD 10
2053-9- MY CHARGER - PLACARD 11
2053-10- 3 EXPENDED CASINGS LOCATED ON THE CORNER OF PACKARD ALLEY AND SANTA CLARA (1116)
2053-11-PHOTOGRAPHS OF SCENE
2053-12-BUCCAL SWAB OF HURTADO
2053-13-BUCCAL SWAB OF PLANCARTE
2053-14-PHOTOGRAPHS OF HURTADO,PLANCARTE AND [REDACTED]

Stephanie Boursaw
Senior Police Assistant
CSI #2053

Vallejo Police Department

ADDITIONAL PROPERTY

Item #23, Status: Evidence
1 2053-11-PHOTOGRAPHS Of Scene

Item #24, Status: Evidence
1 2053-12-BUCCAL Swab Of Hurtado

Item #25, Status: Evidence
1 2053-13-BUCCAL Swab Of Plancarte

Prepared By:

2053 DAILEY, STEPHANIE

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



VALLEJO POLICE DEPARTMENT

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 64 of 78 Page 5

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 15 - OFFICER TONN, SCENE AND SUSPECTS

17-8723

Item #26, Status: Evidence

1 2053-14-PHOTOGRAPHS Of Hurtado,plancarte And [REDACTED]

Prepared By:

2053 DAILEY, STEPHANIE

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



On 07/08/2017 at approx. 1601HRS, I responded to [REDACTED] Alabama St. with my K9 Partner "Clyde" to assist in an Officer Involved Shooting. A Vallejo Officer was involved in a foot pursuit of a subject who was identified as a suspect in a car jacking out of Napa County where a firearm was used. During the foot pursuit, the Vallejo Officer broadcasted that the suspect, Victor Hurtado, was holding onto his waistband and at one point was holding a firearm. Seconds after broadcasting this information, the Vallejo Officer advised that shots had been fired.

While en-route, information was broadcasted that (S) Hurtado was seen entering the backyard to the above address and entering a shed. A perimeter was set and SWAT was activated. While waiting for SWAT response, information was provided that (S) Hurtado had broke perimeter, seen entering the south alley (Packard Alley), enter the backyard to [REDACTED] Louisiana St. where he entered a shed in that yard.

Once SWAT arrived on scene, a yard to yard search was conducted with K9 "Clyde". We searched the backyards to Louisiana St leading up to the second shed. All yards were cleared up to this point with no suspect contact.

At some point SWAT deployed CS Gas in the second shed. This was done prior to deploying K9 "Clyde" in that yard. While waiting for further instruction, (S) Hurtado appeared from the shed at the Alabama St address and was taken into custody.

NFI

Ofc. Thompson #621

Prepared By:

621 THOMPSON, MARK

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017

**VALLEJO POLICE DEPARTMENT**

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 17 - Officer Brown's Observations

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 66 of 78 Page 1

17-8723

On 07-08-17, at approx. 1845 hours, I was dispatched to Santa Clara Street at Packard Ally for an article search related to an officer involved shooting. I arrived on scene with my K-9 partner "Loki". I observed the following in summary:

I started my article search for a firearm and other related items the suspect may had thrown while running from Officer Tonn at Packard Ally and Santa Clara Street.

I conducted my search on the same path the Suspect was seen running with a handgun in his hand. I search the yards of [REDACTED] Santa Clara St, [REDACTED] Santa Clara St, [REDACTED] Alabama St, [REDACTED] Alabama St, [REDACTED] Alabama St, and [REDACTED] Alabama St in that order.

"Loki" alerted on two cell phones that were located in the rear yard of [REDACTED] Alabama St. The phones were hidden inside of a bamboo tree.

The items were collected by evidence technician Boursaw.

Brown, J. #637.

Prepared By:

637 BROWN, JODI

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017

**VALLEJO POLICE DEPARTMENT**

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 18

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 67 of 78 Page 1

17-8723

On 8 July 2017 at about 1540 hours, myself and my partner Ofc. B. Wagoner #651 were patrolling our area of responsibility, wearing full VPD uniforms and working out fully marked unit #163. We responded to the area of Santa Clara and Alabama St after hearing radio traffic of another officer (J. Tonn #673) in a foot pursuit where he stated the suspect was reached in his "waist band" followed by "shots fired".

We arrived shortly after and quickly took up perimeter support on the corner of Santa Clara and Alabama St.

I was later moved to the rear of [REDACTED] Louisiana St holding watch on small yellow shed that was facing Packard alley. Moments later NAPA SO provided security to my location with a large Ballistic Armored Tactical Transport vehicle and parked it just in front of the shed. It should be noted this was the last known location that witness's stated they saw (S) run to.

A few hours later (S) was located in a nearby yard and taken into custody. I assisted a VPD K-9 handler, Ofc. J. Brown and her partner LOKI, with an article search starting from the original contact between (S) and Ofc. Tonn. Together we searched west down Packard Alley from Sacramento St. to Santa Clara St. where we discovered three expended shell casings on the n/e corner of Packard Alley and Santa Clara St. I placed three placards/markers at the location and continued with the search.

We traveled north down Santa Clara St searching each yard along the way (east side of the street) and then made a left (east) turn down Alabama St searching the residence on the south side of the street. LOKI led us to the last known area (S) was known to have been and then ultimately taken into custody.

The residence was [REDACTED] Alabama St and to the rear of the yard in the south west corner was a shed full of scrap metal which appeared to be appliances from an old restaurant. To the rear of the shed was a tree line with a fence that separated the property from other property's. The tree line had a large amount of bamboo stalks about 12-15 feet tall just next to the fence line were two cell phones appeared to be broken/damaged. We continued the search and located a small clear plastic baggy the size of a golf ball with a knot tied at the top, inside the baggy was a white powdery like substance suspected of being narcotics. Several other miscellaneous items were located and marked as evidence

All items located were taken at a later time by Crime Scene investigator Stephanie Boursaw.

Nothing further.

Ofc. J. McLeod 683

Prepared By:

683 MCLEOD, JADE

Date:

07/09/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017



On 7/8/17 I was contacted by Det. Sgt. Rodriguez by phone at approximately 5:30 pm regarding an officer involved shooting in the city of Vallejo. Det. Sgt. Rodriguez said that Ofc. Tonn was involved in a foot chase with a known, wanted, armed carjacking suspect. The suspect was wanted by Napa P.D. for 215 P.C., carjacking that occurred the earlier in the day.

At the time of this call it was unknown if the suspect had been hit by the gunfire and it was believed that the suspect was contained in a perimeter including the 300 blk. of Alabama St., Sacramento, Santa Clara and Louisiana St's including Packard Alley.

Det. Sgt. Rodriguez asked me to respond to the Vallejo P.D. and conduct an interview with Ofc. Tonn, adding that a formal "Protocol" response was not being initiated.

As I arrived in Vallejo, I heard over the V.P.D. main radio channel that the suspect Ofc. Tonn had chased was being detained in the rear yard of [REDACTED] Alabama and was not injured.

At The V.P.D. I reviewed Ofc. Tonn's body camera footage with Det. Greenberg. Ofc. Tonn's weapon, spare magazines were collected and Ofc. Tonn was photographed by P.A. Boursaw.

Ofc. Tonn was represented By the Mastagni / Holstedt Law firm. I spoke with Ofc. Tonn's attorney, [REDACTED], she informed me that after speaking with her client they were willing to answer questions during an interview.

Det. Greenberg, myself, Ofc. Tonn and his attorney met in a recorded interview room with in the V.P.D.

Det. Greenberg obtained some background information about Ofc. Tonn and asked Ofc. Tonn to give a narration of the incident leading up to him firing shots at the suspect and eventually Tonn being relieved at the scene and sequestered at the V.P.D.

Ofc. Tonn gave a his account of the information he had received prior to arriving in the area of the suspect and his actions after spotting the suspect vehicle and then suspect within a city park.

After listening to Ofc. Tonn recount the events, I had several clarifying questions for Ofc. Tonn, to which he answered. I then used several color "Google" earth images of the area the suspect vehicle and suspect (Hurtado) was were first spotted, the neighborhood

Prepared By:

509 YATES, SCOTT

Date:

07/10/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017

**VALLEJO POLICE DEPARTMENT**

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 19

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 69 of 78 Page 2

17-8723

the foot pursuit went into and the residences the suspect was eventually taken into custody behind. I used the imagaes to also help solidify Ofc. Tonn's statement and give a clear understanding of where people were during the pursuit.

These pictures were booked into evidence. Ofc. Tonn's attorney, [REDACTED] had no questions and did not make any statements during the interview.

For Ofc. Tonn's interview/statement, review the DVD recording.

S.Yates # 509

Prepared By:

509 YATES, SCOTT

Date:

07/10/2017

Approved By:

553 IACONO, JOE

Date:

07/10/2017

**VALLEJO POLICE DEPARTMENT**

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 70 of 78 Page 1

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 20 - Supplemental Report

17-8723

On 08 JULY 2017 at about 1600 hours, I was at the Vallejo Police Department with other Officers on a training assignment. While at the station, we saw patrol vehicles exiting the rear lot with their emergency lights activated. Corporal J. Jaksch #615 walked to his vehicle and turned the police radio on so he, Officer D. McLaughlin #664 and I could listen to the incident.

We all decided to respond to the scene to assist with the perimeter. While driving to the area, we learned Officer Tonn #673 was involved in an Officer involved shooting after being in a foot pursuit with an armed suspect. Upon arrival, I assisted with a perimeter position in front of [REDACTED] Alabama Street. It was believed the suspect was locked down in the perimeter and possibly hiding in a shed. He was still believed to be armed and we were advised the S.W.A.T. team was going to be called out to look for the suspect.

I responded back to the Vallejo Police Department in order to pick up some of my S.W.A.T. equipment. I responded to the command post and assisted other S.W.A.T members with searching for the suspect. The suspect was eventually found and placed under arrest without incident.

After the Suspect was safely taken into custody, I assist other Officers with searching for the firearm which the Suspect had discarded during the foot pursuit. Officer D. McLaughlin, Corporal B. Herndon #433, and I assisted with searching the roof of [REDACTED] Alabama Street, the roof of [REDACTED] Alabama Street, the West and East yard of the front house of [REDACTED] Alabama Street with negative results. Corporal Herndon and I also searched the front yards of [REDACTED] Alabama Street, [REDACTED] Alabama Street, and [REDACTED] Alabama Street with negative results. I also searched the West yard of [REDACTED] Alabama Street with negative results.

Corporal Herndon and I searched the southeast basement of the front house of [REDACTED] Alabama Street with negative results. Corporal Herndon, Corporal Jaksch, Officer D. McLaughlin, Officer D. Jones #653, Officer B. Wagoner #650, and I searched the rear shed of [REDACTED] Alabama Street, where the suspect was believed to have possibly been hiding, and we could not locate the firearm.

After an extensive search, we all cleared the scene.

Refer to the main report for further details.

Ofc. R. McLaughlin #663

Approved by Lt H. Robinson #331
07-10-2017

Prepared By:

663 MCLAUGHLIN, RYAN

Date:

07/10/2017

Approved By:

331 ROBINSON, HERMAN

Date:

07/10/2017

**VALLEJO POLICE DEPARTMENT**

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 21

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 71 of 78 Page 1

17-8723

On 08 July 2017 at approximately 1600 hours, I was at the Vallejo Police Department for S.W.A.T. training. We observed several marked police units drive out of the station "code 3" and heard that there was a VPD Officer in a foot chase. Ofc R. McLaughlin #663, Cpl J. Jaksch #615, and I elected to respond. As we got into Cpl Jaksch's patrol unit, we heard that this incident was actually an officer involved shooting with one outstanding suspect armed with a handgun.

We drove to the area of Marin Street and Louisiana Street in order to assist. Initially, we took up perimeter positions. I was on Louisiana Street between Marin Street and Sacramento Street. I was then asked to move to Packard Alley and assist with a perimeter position.

We were advised that this was going to be a S.W.A.T. call out so I responded back to the Police Station in order to get into my S.W.A.T. uniform. We responded back to the scene and began searching for the suspect (S1). Eventually S1 was located and taken into custody inside of the perimeter. (See other supplemental reports for further details).

Ofc R. McLaughlin and I then assisted with searching for the outstanding gun which S1 was seen holding as he fled from Ofc Tonn #673. We met up with Cpl Herndon #433 and Cpl Jaksch and searched a large shed in the rear of [REDACTED] Alabama Street. We did not locate the handgun. We searched all around the residence and inside of garbage cans and bushes. We still could not locate the gun.

The fire department responded with a ladder so that we could check roofs in the area. I checked the roof at the front residence at [REDACTED] Alabama Street with negative results.

This concluded my involvement on this incident.

See other supplemental reports and the main crime report for further details.

Ofc D. McLaughlin #664

Approved by Lt H. Robinson #331
07-10-2017

Prepared By:

664 MCLAUGHLIN, DAVID

Date:

07/10/2017

Approved By:

331 ROBINSON, HERMAN

Date:

07/10/2017



On 071117 I received an email from DDA Mark Ornellas of the Solano County District Attorney's Office. (M)-[REDACTED] had sent him an email asking who he should forward his "Nest" video camera footage to. Ornellas forwarded that email to me.

I called and spoke with [REDACTED]. He told me he was out of state Saturday when the incident occurred and he is now back home. He downloaded the video of the incident from the two cameras on his front porch and stated he was ready to give them to me. [REDACTED] emailed me the videos and they were placed on a CD and booked into evidence. I watched the videos and noticed the following:

The two camera angles are from the front porch of [REDACTED] Santa Clara St. This address sits at the [REDACTED]. The first camera view (Camera 1) is facing in a [REDACTED] direction from the [REDACTED] which encompasses Packard Alley east of Santa Clara St. I can see the first house north of the alley on the east side of Santa Clara St. and half of the second house to the north.

The second camera view (Camera 2) faces [REDACTED] from the house. The camera view encompasses the second house north of the alley on the east side of the street and the house north of it. It also covers the eastern half of the intersection of Santa Clara St./ Alabama St. and looks east on Alabama St.

On the camera 1 video I can see Hurtado in a white tshirt running west through the alley onto the east sidewalk northbound on Santa Clara St. Hurtado appears to look back over his right shoulder into the alley as he rounds the corner to run northbound. His hands are held in front of his chest near his belly button and he appears to be holding something in his hands. His arms are not swinging as you would see when someone is normally running. Ofc. Tonn appears from the alley approximately five seconds after Hurtado. At the end of the alley you can see Officer Tonn bring both hands up in a shooting position and fire three shots. Ofc. Tonn then runs to the left (north) in the video and out of camera range.

There is sound with the video and the sound appears to have recorded faster than the video. Ofc. Tonn just comes into camera view out of the alley when you hear the shots, when in reality he has not fired his firearm yet.

Camera 2 shows Hurtado running to the left (north) on Santa Clara St. He is still running with his hands above his waistline as if he's carrying something. He continues north on Santa Clara St. on the east sidewalk and turns right to continue running east on Alabama St. on the south sidewalk. Hurtado runs out of view of the camera and you cannot see where he goes after he passes what appears to be the second house east of Santa Clara St.

The audio attached to this video also appears to be recording faster than the video. You can hear the sound of the gunshots just as Hurtado passes the blue PT cruiser in the driveway, which is the second house north of the alley.

Ofc. Tonn then comes into view approximately 11 seconds after Hurtado does.

The video was booked into evidence.

Prepared By:

618 GREENBERG, ROB

Date:

07/11/2017

Approved By:

553 IACONO, JOE

Date:

07/11/2017



VALLEJO POLICE DEPARTMENT

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 22 - Video

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 73 of 78 Page 2

17-8723

Investigation continues.

Det. R. Greenberg #618

Prepared By:

618 GREENBERG, ROB

Date:

07/11/2017

Approved By:

553 IACONO, JOE

Date:

07/11/2017

**VALLEJO POLICE DEPARTMENT**

Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 74 of 78 Page 1

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 23 - Officer Tonn's firearm inspection

17-8723

On 071117 Sgt. Rodriguez asked me to perform an inspection of Ofc. Tonn's firearm. On 071317 I inspected the firearm and made the following observations:

-The firearm is a Glock, Model 21, .45 caliber pistol, serial number [REDACTED]. The same serial number appears on the frame, slide and barrel. This is a Vallejo Police Department issued weapon.

-The firearm had a weapon light attached to it. It is a Streamlight model TLR-1 HL, serial number [REDACTED]. There was a pressure pad attached to the activator switch on the back of the light that snaps along the bottom of the trigger guard with the activation button on the front strap of the grip.

-The firearm was clean and properly lubricated.

I field stripped the pistol and gun appeared to have all manufacturer parts with no after market parts noted. I manipulated the pistol and all safeties worked appropriately and the firearm was operable.

Investigation continues.

Det. R. Greenberg #618

Prepared By:

618 GREENBERG, ROB

Date:

07/13/2017

Approved By:

553 IACONO, JOE

Date:

07/13/2017



On 071217 I was asked to see if the Nest Camera video recovered from [REDACTED] Santa Clara St. and Ofc. Tonn's body camera footage could be enhanced. I contacted [REDACTED] (a forensic image analyst) who stated he could attempt to enhance it and provide any still photos that may be of interest.

[REDACTED] was provided Ofc. Tonn's body camera footage, Nest camera 1 and Nest camera 2 from (M)-[REDACTED] at [REDACTED] Santa Clara St.

On 071917 [REDACTED] sent back the synchronized video and attached a wave form. The audio for the Axon video was made into a wave form and [REDACTED] added frame numbers and times to indicate specific incidents on the video.

The final video is a slow motion time-aligned three camera matrix. The first video that begins to play is labeled as "cam 2", which is the camera from [REDACTED] Santa Clara St. that faces south toward the alley. It begins at actual Frame Number (AFN) 255, which is the 255th frame of the video [REDACTED] was given. That first frame starts at page 1.

(S)-Hurtado comes into view running west through the alley at frame AFN 257 (page 3). Hurtado rounds the corner and begins running north on the east curb of Santa Clara St. Hurtado passes the first house on the corner of the alley and approaches the driveway of the second house. There is a blue PT Cruiser in the driveway of that house. As Hurtado approaches the car, he appears to turn slightly right as if he was going to hide behind the car, blading the right side of his body in the direction of Officer Tonn. Hurtado also turns his head to the right at the same time. (AFN 450)

From the time Hurtado exits the alley, he is running with his hands in front of his stomach and chest indicating he is holding something. His hands are not swinging in a natural front and back motion as he runs. Ofc. Tonn said in his interview, Hurtado was running with the gun in his hand when he entered the alley. Midway through the alley, Ofc. Tonn stated Hurtado "re-holstered", or put the gun back in his waistband, and retrieved or attempted to retrieve it as he came out of the alley.

Ofc. Tonn's video begins at AFN 40. Based on Ofc. Tonn's body cam footage, he can see the right side of Hurtado's body, to include his hand due to the angle he is looking as he rounds the corner. He is taking a wide turn out of the alley to increase the area of Santa Clara St. he can. On the video you can see Ofc. Tonn pointing his firearm north as he exits the alley at Hurtado.

At AFN 92 on the AXON video (AFN 481 on CAM 1) Ofc. Tonn yells, "Drop it!" to Hurtado. That is appropriately 1.5 seconds after Hurtado was at the blue car with his right side visible to Ofc. Tonn, and presumably his firearm in his right hand based on Ofc. Tonn's statement. The average perception/reaction time for an officer to perceive a threat is .75-1.5 seconds.

Instead of dropping the gun and stopping, Hurtado continues to run north. Ofc. Tonn exits the alley, holds the firearm with both hands and fires his first shot at Hurtado in Axon AFN 149, approx 1.75 seconds after saying, "Drop it!"

Hurtado continues to run and eventually turns east on Alabama St. In AFN #321 from Nest CAM 1, there is what appears to be a gun in Hurtado's right hand. During his interview, I covered with Hurtado

Prepared By:

618 GREENBERG, ROB

Date:

08/23/2017

Approved By:

563 RODRIGUEZ, FABIO

Date:

09/01/2017

**VALLEJO POLICE DEPARTMENT**

111 AMADOR ST VALLEJO, CA 94590

SUPPLEMENT 24 - Video enhancement

Page 2

17-8723

what property he had on his person that day and the only thing that fit this description was a cell phone. In the picture I can clearly see the item is larger than a cell phone and probably the gun seen by Ofc. Tonn. (See attached still photo)

All enhanced video and still photos taken from the video were booked into evidence.

Forward to DA's Office.

Det. R. Greenberg #618

Prepared By:

618 GREENBERG, ROB

Date:

08/23/2017

Approved By:

563 RODRIGUEZ, FABIO

Date:

09/01/2017



VALLEJO POLICE DEPARTMENT

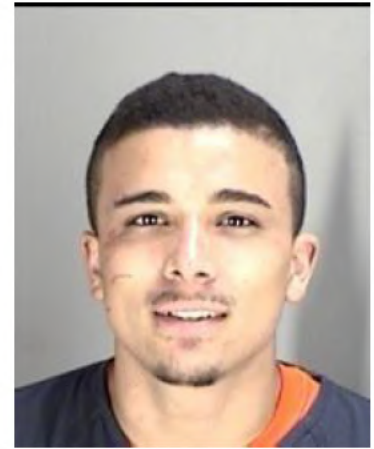
Page 1

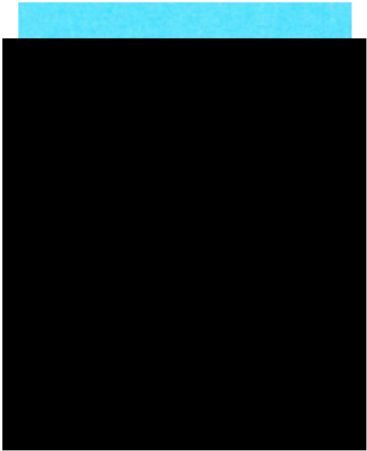
Case 2:20-cv-01563-DAD-SCR Document 112-4 Filed 12/06/24 Page 77 of 78

ARREST REPORT
PLANCARTE, DAVID

02/07/2018

Address [REDACTED]			Mailing Address				
ID [REDACTED]	Phone	Cell Phone	DOB 09/15/1996	Age 21	Sex M	Height 5'10"	Weight 170
Race HISPANIC			Hair BLACK		Eyes BROWN		
Drivers License [REDACTED]		CII [REDACTED]	Vehicle License		FBI # [REDACTED]		
Business Name		Address		City & State			
Business Phone	Email					Arrest ID 6083	
Next of Kin/Parent/Guardian		Address			Phone		
Occupation		Gang Affiliation			School ID		Undocumented Alien NO
Complexion MEDIUM	Build MEDIUM	Hairstyle		Facial Hair		Speech	Glasses NO
Scars				Tattoos			
Officer Safety				Note			
Other Considerations							
Aliases							
Arrest Date 07/08/2017	Arrest Time 16:00	Location of Arrest LOUISIANA ST / SONOMA BLVD				Case Number 17-8723	
Charges O/A Warrant FELONY Outside Warrant Arrest FELONY				Arresting Officers 618 - Greenberg, Rob		Booking Officer	
				Booking Number	Citation	Warrant Number CR183636	
				Offense Level FELONY (ADULT AND JUVENILE)	Action Taken BOOKING		
				Arrest Disposition OUTSIDE AGENCY WARRANT			
Property Description							
Arrest Details							



Address [REDACTED]			Mailing Address						
ID [REDACTED]	Phone	Cell Phone [REDACTED]	DOB [REDACTED]	Age [REDACTED]	Sex [REDACTED]	Height [REDACTED]	Weight [REDACTED]		
Race [REDACTED]			Hair [REDACTED]		Eyes [REDACTED]				
Drivers License [REDACTED]		CII [REDACTED]	Vehicle License		FBI # [REDACTED]				
Business Name		Address		City & State					
Business Phone	Email					Arrest ID 0			
Next of Kin/Parent/Guardian		Address			Phone				
Occupation		Gang Affiliation			School ID		Undocumented Alien NO		
Complexion [REDACTED]		Build [REDACTED]	Hairstyle		Facial Hair		Speech	Glasses NO	
Scars				Tattoos					
Officer Safety				Note					
Other Considerations									
Aliases [REDACTED]									
Arrest Date 07/08/2017	Arrest Time 16:00	Location of Arrest LOUISIANA ST / SONOMA BLVD					Case Number 17-8723		
Charges [REDACTED]				Arresting Officers 651 - Carpenter, William 653 - Jones, Dynelle			Booking Officer		
				Booking Number		Citation		Warrant Number	
				Offense Level FELONY (ADULT AND JUVENILE)		Action Taken OTHER			
				Arrest Disposition RELEASED					
Property Description									
Arrest Details									